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*Annual report of the  
Illinois State Bar Association*

Illinois State Bar Association







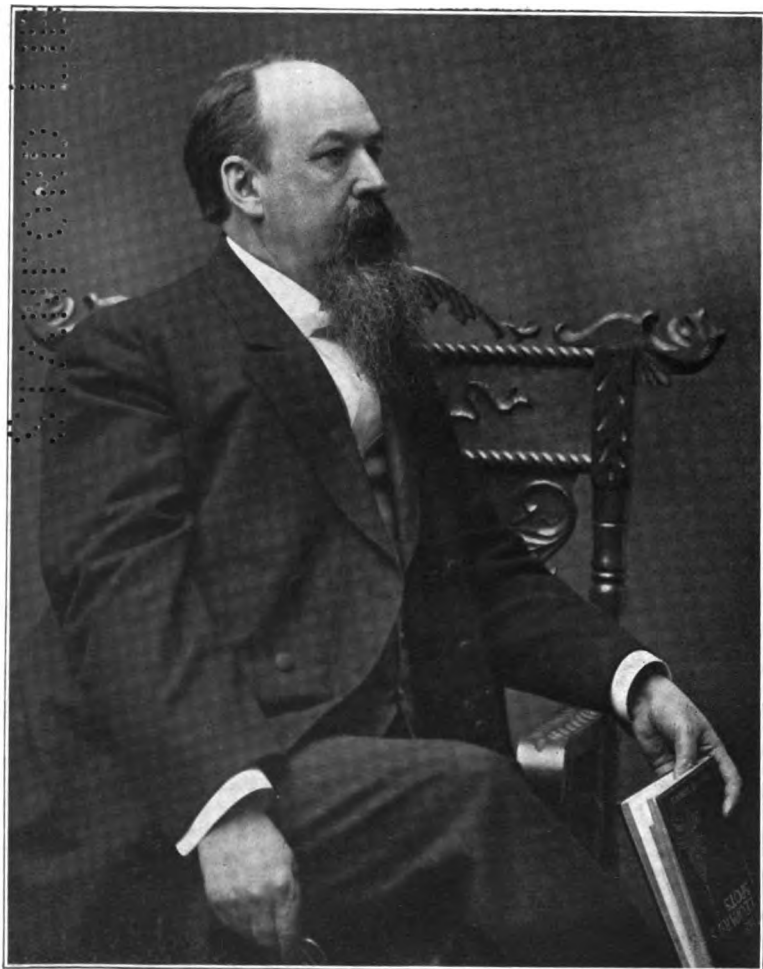






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**WILLIAM B. CURRAN,**  
**President.**

PROCEEDINGS  
OF THE  
Illinois State Bar Association

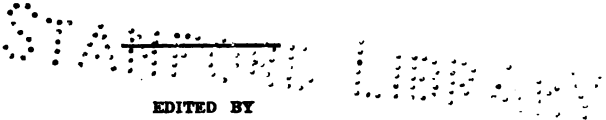
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SEMI-ANNUAL MEETING  
SPRINGFIELD, FEBRUARY 16, 1911

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THIRTY-FIFTH ANNUAL MEETING  
CHAMPAIGN-URBANA

June 23 and 24, 1910

  
EDITED BY  
JOHN F. VOIGT  
SECRETARY

---

CHICAGO  
CHICAGO LEGAL NEWS CO.  
32 N. Clark St.  
1911

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# CONSTITUTION

OF THE

## ILLINOIS STATE BAR ASSOCIATION.

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FIRST ADOPTED JANUARY 4, 1877; REVISED AND  
ADOPTED JANUARY 24, 1895.

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### I.

#### NAME.

This Association shall be known as the Illinois State Bar Association.

### II.

#### OBJECT.

The Association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal legal education, and to cultivate and cherish a spirit of brotherhood among the members thereof.

### III.

#### MEMBERSHIP.

All persons, members of the Illinois State Bar Association in good standing on January 24, 1895, are declared members of this Association.

Any member of the legal profession in good standing, residing or practicing in this State, may be admitted to active membership; and distinguished members of the profession, not in active practice at the bar, may be enrolled as honorary members.

#### IV.

##### OFFICERS.

There shall be elected at the annual meeting the following general officers, who shall respectively hold their offices for one year and until their successors are elected: A President, who shall, however, be ineligible to re-election for the term succeeding his term of service; three Vice-Presidents and a Secretary-Treasurer.

#### V.

##### COMMITTEES.

At the annual meeting the following standing committees shall, unless otherwise directed, be appointed by the President-elect:

1. Executive Committee of five members, which shall have general management of the affairs of the Association, and prescribe its By-Laws.

2. Judicial Administration, of five members, which shall take note of all proposed changes of the administration of the law, and recommend such as may, in its opinion, be entitled to the favorable consideration and indorsement of the Association; and, further, shall observe the workings of the judicial system of the State; shall collect information with reference thereto, and recommend such action as it may deem advisable.

3. Law Reform, of nine members—three to hold three years, three for two years and three for one year; and at each annual meeting three members shall be appointed in the place of those retiring, who shall serve for three years. It shall be the duty of this committee to consider and report to the Association such amendments of the law as, in its opinion, should be adopted; also to scrutinize proposed changes of the law, and recommend such as should receive the approval of the Association.

4. Legal Education, of five members.

5. Grievances, of five members.

6. Admissions, of five members.

7. Uniform State Laws, of five members.

8. Legal History and Biography.

9. A Necrologist.

10. Professional Ethics, of five members.

Other standing committees may be created at an annual meeting; and no matter falling within the jurisdiction of a standing committee shall be referred to a select committee, unless upon the vote of the Association.

**VI.****ADMISSION FEE—ANNUAL DUES.**

Applicants for membership shall, at the time of making application, pay an admission fee, which shall include the annual dues for the first year, and the annual dues of all active members shall be payable on demand. Both the admission fee and the annual dues shall be prescribed by the By-Laws and a failure to pay dues shall be a good cause for expulsion.

**VII.****VACANCIES.**

Vacancies will be created by the death, removal from the State or inexcusable neglect of duty, of the incumbent. In the case of President, Vice-President and Secretary-Treasurer, such vacancy shall be filled by the Executive Committee, but only a Vice-President shall be appointed to the office of President. In the case of Chairman of a committee, such vacancy shall be filled by the President; and in the case of committeeman, by the Chairman of the committee.

**VIII.****MEETINGS.**

An annual meeting of the Association shall be held at a time and place to be fixed by the Executive Committee, which, however, may be adjourned, by vote of the members present, to another specified time and place. Provision for such annual meeting, and the character of its exercises, shall be made and prescribed, and timely notice thereof given by the Executive Committee. Special meetings may be called by the Executive Committee, and the business there transacted shall be only such as is designated in the notice therefor.

**IX.****WITHDRAWALS AND EXPULSIONS.**

Members may withdraw from the Association in the manner and upon the conditions prescribed by the By-Laws, and members may be expelled for mis-conduct in their relations to brother members, to the Association, or in their profession, as may be prescribed by the By-Laws.

**X.****AMENDMENTS.**

This Constitution may be amended by a two-thirds vote of the members present at an annual meeting.

## BY-LAWS

---

REVISED AND ADOPTED JANUARY 24, 1895.

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### I.

#### QUORUM.

The Association shall convene at the place and hour indicated in the notice therefor. The presence of twenty-five members shall constitute a quorum.

### II.

#### ORDER OF BUSINESS.

1. Reading of Minutes of Preceding meeting.
2. Report of Committee on Admissions.
3. Annual Address by the President.
4. Election of Officers for Ensuing Year.
5. Reports of Standing Committee.
  - (a). Executive Committee.
  - (b). Judicial Administration.
  - (c). Law Reform.
  - (d). Legal Education.
  - (e). Grievances.
  - (f). Legal History and Biography.
  - (g). Necrologist.
6. Reports of Special Committees.
7. Special Addresses.
8. Miscellaneous Business.

### III.

#### PRESIDENT AND VICE-PRESIDENT.

The President shall assume the general duties of his office on the adjournment of the annual meeting at which he is elected but during the session at which he is elected he shall announce all committees for the succeeding year, the appointment of which shall not have been otherwise provided for.

He shall, when present, preside at all meetings of the Association, and deliver the President's Annual Address, embodying therein such reference to recent changes in the law of this State, its present state and

administration, with his recommendations in respect thereto, as shall seem best calculated to conserve the general weal.

He shall be a member and Chairman of the Executive Committee. In his absence, or in case of vacancy in the office of President, the duties of President shall be discharged by the Vice-President selected by the Executive Committee.

#### IV.

##### SECRETARY-TREASURER.

The Secretary-Treasurer shall keep a record of the proceedings of the Association and the Executive Committee; be the keeper of the records and archives of the Association; superintend the publication and distribution of the publications of the Association, as directed by the Executive Committee; demand, receive and receipt for all moneys coming to the Association, and safely keep and disburse the same under the direction of the Executive Committee, be a member and Secretary of the Executive Committee, and discharge such other duties as may be imposed upon him. Of the moneys coming to his hands he shall retain \$400 per annum as his salary.\*

#### V.

##### COMMITTEES.

Chairmen shall call a meeting of their respective committees immediately after they have been announced, and at such other times as may be required for the prompt and thorough consideration of the matters falling within their jurisdictions respectively, or may have been referred to them respectively. Committee reports shall be in writing, signed by the Chairman; but such reports shall show what members thereof concur therein.

The proceedings of the Executive Committee and the Committees on Admission and Grievances, shall be conducted with closed doors, and only the result of their deliberations be made public.

Reports of all standing committees should be filed with the Secretary at least thirty days before the Annual Meeting so that the Executive Committee may, if they deem it advisable, have such reports printed and sent out to the members before the Annual Meeting.

#### VI.

##### NEW MEMBERS.

(Adopted at June meeting, 1908.)

Applications for membership may be made at any time to the Secretary-Treasurer. They shall be in writing and show the place of residence (with office number and street in cities) of the applicant and

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\*Amount changed to \$400 at annual meeting 1910.



bear the endorsement and recommendation of two members of this Association, and also be accompanied by an admission fee of five dollars.

When the Secretary-Treasurer shall have received such application for membership, he shall give notice of the name of the applicant to each member of the committee on admission, and to the secretary of the affiliated bar association of the county where the applicant resides, if there be such association; if no objection to the admission of the applicant is made known to the committee within twenty days after the receipt of such notice, then the committee on admissions may at once pass on such application and a majority vote shall be sufficient to admit the applicant to membership to this association.

The Committee on Admission shall report all members admitted by such Committee at our next succeeding annual meeting. The favorable action of the Committee on Admissions, and the payment of the admission fee, shall constitute the applicant a member of this Association. No annual dues shall be required for the first year's membership.

#### VII.

##### HONORARY MEMBERS.

The Justices of the Supreme Court of this State, in commission; past Justices of the same Court, not in practice; Justices of the United States Court, resident or assigned in this State; and the ex-Presidents of the Association, shall be enrolled as honorary members; and distinguished members of the profession may, by vote of the Association, be enrolled as honorary members; and all honorary members (not also active members) shall be entitled to all the privileges of membership, save voting at the election of officers.

#### VIII.

##### ANNUAL DUES.

The annual dues of members—not enrolled as honorary—shall be \$3, payable to the Secretary-Treasurer on demand.

Members who, after notice mailed to their last reported address, neglect or refuse the Secretary-Treasurer's demands or drafts therefor, may be expelled by vote of the Association.

#### IX.

Withdrawal from membership may be effected by application to the Secretary-Treasurer, and the payment of all unpaid dues, including those of the current year.

#### X.

##### CHARGES AND COMPLAINTS.

Charges and complaints affecting the professional conduct of any

person practicing as a lawyer in this State, when executed in duplicate, signed and verified by the complainant, may be filed with the Secretary-Treasurer and when so filed, one copy thereof shall be by such officer mailed to the accused, and a reasonable time given to answer the same; and on the coming in of the answer, also executed in duplicate and verified by the accused, one copy thereof shall in like manner be sent to the complainant. And thereupon the Secretary-Treasurer shall fix a reasonable time, of which reasonable written notice shall be given both parties, in which the evidence in support and denial of the matters in issue shall be filed with him. And upon the coming in of the evidence, the complaint, answer and evidence shall be referred to the Committee on Grievances, the Chairman of which shall fix a time (of which both parties shall have written notice) when and where the Committee will consider the matter, and at which time and place both parties may appear and be heard. But the Committee may refuse to consider any evidence not in writing, duly verified.

The proceedings of the Committee shall be with closed doors. If the Committee shall determine to quash or dismiss the complaint, announcement of the fact may be made, but, if otherwise, the Committee's determination shall remain unannounced, until duly reported to the Association, along with the pleadings and evidence in the case.

The report of the Committee shall be considered by the Association, and such action taken thereon as the nature of the case may require.

## XI.

### REPRESENTATIVES.

The President, during vacation, may appoint one or more members to represent the Association, and promote its interests, on any occasion deemed expedient by him; and over his official hand, attested by the Secretary-Treasurer, duly accrediting him or them as such representative.

## XII.

### PUBLICATION.

The Constitution and By-Laws, together with the roll of active, honorary and deceased members, shall be included in the publication of the proceedings of the Association.

## XIII.

### DISBARMENT.

(Adopted July Meeting, 1900.)

When it shall officially appear that a member of the Association has been disbarred, he shall thereupon cease to be a member, and the Secretary shall drop his name from the roll of members.

**XIV.****LIMITATIONS AS TO SPEAKING.**

(Adopted by Executive Committee August 21, 1900. As to authority of Executive Committee to prescribe By-Laws, see Constitution, Art. 5, Sec. 1.)

No member shall speak more than five minutes except in the delivery of an address upon the regular program.

No member shall speak more than once on any matter, question or motion except by unanimous consent.

**XV.****REPRESENTATIVES OF LOCAL BAR ASSOCIATIONS.**

(Adopted at June Meeting, 1908.)

Any county of city bar association within the State of Illinois may become affiliated with this Association on application filed with the Secretary-Treasurer at any time. Such application shall be in writing, signed by the president and secretary of such local association, and shall state the name and object of such association, and give the number of its members. Such application shall be presented at the next succeeding annual meeting of this Association, and favorable action thereon by a majority vote shall constitute the applicant an affiliated association.

Each affiliated association shall be entitled to at least one delegate to represent it in the State Association. If the local association shall have more than twenty members, it shall be entitled to two delegates and two delegates to every twenty members in addition thereto, or the major fraction thereof.

**XVI.****ELECTION OF OFFICERS.**

(Adopted by Executive Committee September 17, 1909, pursuant to resolution at June Meeting, 1909.)

At least sixty days before each annual meeting the President shall appoint, as tellers, three members resident in the place where the meeting is to be held, who shall arrange for the election of officers at such meeting, and canvass the ballots there cast and report the result thereof at such meeting.

Any twenty or more members of the Association may, in writing, nominate a candidate, or candidates, for each, or for any, of the offices of the Association. Such written nominations shall be filed with, and received by, the Secretary of the Association at least thirty days preceding the first day of the annual meeting. In case no nomination shall be made for any office, or if a vacancy shall occur by reason of

death, refusal, or otherwise, in any nomination made as above, not less than ten days before the first day of the meeting, then the Executive Committee shall fill each such vacancy. The names of all persons so nominated shall be arranged alphabetically under the title of the offices to be filled, and the Secretary shall cause such list to be printed in the form of the Australian ballot, and the same shall be voted in like manner and shall be the official ballot. At least five days before the annual meeting, the Secretary shall mail to each member a copy of the official ballot, and no other ballot shall be received or counted.

The ballot box for the election of officers shall be open from 9 till 10 o'clock A. M., and from 12:30 to 2 o'clock P. M., and from 7 to 9 o'clock P. M. of the first day and from 8:30 to 10 A. M. of the second day of the annual meeting. A plurality of the votes cast in person at any such election shall elect. Should any office fail to be filled by the election herein provided for, the same shall be filled by the members present at such meeting. No member shall be allowed to vote who is in arrears to the Association for his annual dues.

#### XVII.

Committee on New Members authorized by Executive Committee  
June 10, 1910.

## ILLINOIS STATE BAR ASSOCIATION.

### OFFICERS AND COMMITTEES.

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It was formerly customary to here print the list of officers and committees for the ensuing year, but it seems more proper that the retiring officers and committees should be inserted, as this book is directly or indirectly, the result of their efforts. The officers and committees for the year 1911-1912 will be listed at the end of this volume.

#### OFFICERS FOR 1910-1911.

---

##### PRESIDENT.

WILLIAM R. CURRAN.....Pekin

##### VICE PRESIDENTS.

HORACE KENT TENNEY.....Chicago

WILLIAM R. HUNTER.....Kankakee

EDWARD O. BROWN.....Chicago

##### SECRETARY AND TREASURER.

JOHN F. VOIGT.....Mattoon

---

#### STANDING COMMITTEES FOR 1910-1911.

##### EXECUTIVE:

William R. Curran, Ex-officio, Pekin.

Horace Kent Tenney, Ex-officio, 137 South La Salle St., Chicago.

John F. Voigt, Ex-officio, Mattoon.

Oliver A. Harker, Urbana.

Robert McMurdy, Title & Trust Building, Chicago.

John T. Richards, 1124 Com'l Nat. Bank Bldg., Chicago.

##### ADMISSIONS:

William L. Ellwood, Peoria.

William T. Abbott, 181 La Salle St., Chicago.

William A. Potts, Pekin.

George W. Thompson, Galesburg.

Herman Nortrup, Havana.

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\*First named on each committee is chairman.

**LAW REFORMS**

Edgar B. Tolman, 30 North La Salle St., Chicago.  
Edward C. Kramer, East St. Louis.  
Dorrance Dibell, Joliet.  
George T. Page, Peoria.  
Albert Salzenstein, Springfield.  
James H. Matheny, Springfield.  
Franklin L. Velde, Pekin.  
Thomas M. Harris, Lincoln.  
Nathan William MacChesney, 1321 Stock Exchange Bldg., Chicago.

**GRIEVANCES:**

William F. Bundy, Centralia.  
Lloyd G. Kirkland, Chicago.  
W. S. Holmes, Effingham.  
John E. Hogan, Taylorville.  
James M. Sheean, Chicago.

**LEGAL EDUCATION:**

Charles L. Capen, Bloomington.  
William B. Wright, Effingham.  
Lot R. Herrick, Farmer City.  
John H. Wigmore, Chicago.  
Ernest Freund, Chicago.

**JUDICIAL ADMINISTRATION:**

Carl Epler, Quincy.  
John P. McGoorty, Chicago.  
Harry Higbee, Pittsfield.  
Robert H. McCormick, Chicago.  
Charles J. Scofield, Carthage.

**LEGAL HISTORY AND BIOGRAPHY:**

Clarence B. Chapman, Ottawa.  
Norman P. Willard, Chicago.  
T. F. Donovan, Joliet.  
A. C. Norton, Pontiac.  
William Duff Haynie, Chicago.  
Cairo A. Trimble, Princeton.

**ORGANIZATION:**

William S. Cantrell, Benton.  
George D. Burroughs, Edwardsville.  
Albert Watson, Mt. Vernon.  
Benjamin P. Alschuler, Aurora.  
James S. Baume, Galena.

**UNIFORM LAWS:**

John C. Richberg, Chicago.  
Albert D. Early, Rockford.  
Harry A. Jones, Sycamore.  
Elam Clark, Waukegan.

**PROFESSIONAL ETHICS:**

Phillip Barton Warren, Springfield.  
Frank H. McCullough, Chicago.  
Walter H. Mills, Decatur.  
Thomas Worthington, Jacksonville.  
Walter I. Manny, Mt. Sterling.

**NECROLOGIST:**

Thomas Dent, Chicago.

**DELEGATES TO AMERICAN BAR ASSOCIATION 1910:**

James Hicks, Monticello.  
George C. Rider, Pekin.  
Edward C. Kramer, East St. Louis.

**COMMITTEE ON NEW MEMBERS AUTHORIZED BY EXECUTIVE COMMITTEE  
JUNE 10, 1910.**

**NEW MEMBERS:**

Charles J. O'Connor, 808 Tribune Bldg., Chicago.  
Amos C. Miller, Chicago.  
Earl C. Hales, Association Bldg., Chicago.  
David Sheean, Galena.  
W. H. Boys, Streator.  
Guy Williams, Havana.  
Ralph H. Wilkin, Springfield.  
William E. Trautman, East St. Louis.  
John M. Lansden, Cairo.  
S. A. Hubbard, Quincy.  
R. Allen Stephens, Danville.  
Oscar Wyle, Paxton.  
Sain Welty, Bloomington.  
June C. Smith, Centralia.  
W. B. Scholfield, Marshall.  
John J. Reeve, Jacksonville.  
Charles C. Pickett, Champaign.  
Frank Perrin, Belleville.  
Benton F. Peake, Moline.  
M. E. Lambert, Shawneetown.

E. B. Green, Mt. Carmel.  
R. R. Fowler, Marion.  
Richard S. Dyas, Paris.  
Henry S. Dixon, Dixon.  
A. E. Crisler, Chester.  
George Brown, Sycamore.

**SPECIAL COMMITTEE TO PRESENT MEMORIAL TO THE SUPREME COURT UPON  
THE DEATH OF MR. GUY C. SCOTT.**

S. S. Gregory, Chairman, Chicago.  
I. N. Bassett, Aledo.  
John B. Stevens, Peoria.  
George W. Thompson, Galesburg.  
Charles L. Capen, Bloomington.

**SPECIAL COMMITTEE TO PRESENT MEMORIAL TO THE SUPREME COURT UPON  
DEATH OF MR. JUSTICE BENJAMIN D. MAGRUDER.**

Robert McMurdy, Chairman, Chicago.  
N. M. Jones, Chicago.  
James H. Matheny, Springfield.  
Samuel Alschuler, Aurora.  
Franklin L. Velde, Pekin.



## EX-PRESIDENTS OF THE ASSOCIATION.

Anthony Thornton*	1877, 1878, 1879	Shelbyville
David McCulloch*	1880	Peoria
Orville H. Browning*	1881	Quincy
Elijah B. Sherman,* vice Browning.	1881	Chicago
Charles C. Bonney*	1882	Chicago
William L. Gross*	1883	Springfield
David Davis*	1884	Bloomington
Benjamin S. Edwards*	1885	Springfield
Melville W. Fuller*	1886	Washington, D. C.
E. B. Green	1887	Mt. Carmel
Thomas Dent	1888	Chicago
Ethelbert Callahan	1889	Robinson
James B. Bradwell*	1890	Chicago
James M. Riggs	1891	Winchester
Lyman Trumbull*	1892	Chicago
Samuel P. Wheeler*	1893	Springfield
Elliott Anthony*	1894	Chicago
Oliver A. Harker	1895	Carbondale
John H. Hamline*	1896-7	Chicago
Alfred Orendorff*	1897-8	Springfield
Harvey B. Hurd*	1898-9	Chicago
Benson Wood	1899-0	Effingham
Jesse Holdom	1900-1	Chicago
John S. Stevens	1901-2	Peoria
Murray F. Tuley*	1902-3	Chicago
Charles L. Capen	1903-4	Bloomington
Stephen S. Gregory	1904-5	Chicago
George T. Page	1905-6	Peoria
Harrison Musgrave	1906-7	Chicago
James H. Matheny	1907-8	Springfield
E. P. Williams	1908-9	Galesburg
Edgar A. Bancroft	1909-10	Chicago
William R. Curran	1910-11	Pekin

\*Deceased.

## HONORARY MEMBERS.

## JUSTICES OF THE SUPREME COURT.

## IN COMMISSION.

Alonzo K. Vickers† Chief Justice.....	E. St. Louis
William M. Farmer†.....	Vandalia
James H. Cartwright†.....	Oregon
John P. Hand.....	Cambridge
George A. Cooke†.....	Aledo
Orrin N. Carter†.....	Chicago
F. K. Dunn†.....	Charleston

## EX-JUSTICES OF THE SUPREME COURT.

## PERIOD IN COMMISSION.

Simeon P. Shope, 1885-1894.....	Chicago
Alfred M. Craig, 1873-1900.....	Galesburg
Joseph N. Carter, 1894-1903.....	Quincy
Carroll C. Boggs, 1897-1906.....	Fairfield
Benjamin D. Magruder, 1885-1906*.....	Chicago

## JUDGES OF THE UNITED STATES COURTS.

## FOR THE SEVENTH CIRCUIT.

William R. Day, Circuit Judge.....	Washington, D. C.
Peter S. Grosscup, Circuit Judge.....	Chicago, Ill.
Francis E. Baker, Circuit Judge.....	Goshen, Ind.
Christian C. Kohlsaat, Circuit Judge.....	Chicago, Ill.
William H. Seaman, Circuit Judge.....	Sheboygan, Wis.
J. Otis Humphrey, District Judge.....	Springfield, Ill.
Albert B. Anderson, District Judge.....	Indianapolis, Ind.
George A. Carpenter, District Judge.....	Chicago, Ill.
Kenesaw M. Landis, District Judge.....	Chicago, Ill.
Francis M. Wright, District Judge.....	Urbana, Ill.
Joseph V. Quarles, District Judge.....	Milwaukee, Wis.
Arthur L. Sanborn, District Judge.....	Madison, Wis.

\*Deceased.

†Active members of the Association.

## JUSTICES OF THE APPELLATE COURTS.

## FIRST DISTRICT—CHICAGO.

Frank Baker .....	Chicago
Edward O. Brown .....	Chicago
Ben. M. Smith .....	Chicago

## FIRST DISTRICT—CHICAGO—BRANCH COURT.

Frederick A. Smith.....	Chicago
Jesse A. Baldwin.....	Oak Park
Thomas C. Clark.....	Evanston

## SECOND DISTRICT—OTTAWA.

Dorrance Dibell† .....	Joliet
Henry B. Willist†.....	Elgin
George W. Thompson†.....	Galesburg

## THIRD DISTRICT—SPRINGFIELD.

Leslie D. Puterbaugh†.....	Peoria
James S. Baume†.....	Galena
Solon Philbrick† .....	Champaign

## FOURTH DISTRICT—MOUNT VERNON.

Harry Higbee† .....	Pittsfield
Warren W. Duncant†.....	Marion
Robert B. Shirley†.....	Carlinville

Mrs. Ada H. Kepley, Effingham.

Mrs. Bessie Bradwell Helmer, Chicago.

Henry Wade Rogers, New Haven, Conn.

Emlin McClain, Des Moines, Iowa.

Edwin T. Merrick, New Orleans, La.

Alton B. Parker, New York.

James B. Winslow, Madison, Wis.

James Hagerman, St. Louis.

Edward Morse Shepard, New York.

Charles E. Littlefield, Rockland, Maine.

Oliver H. Dean, Kansas City, Mo.

Floyd R. Mechem, Chicago.

George W. Wickersham, Washington, D. C.

Quincy A. Myers, Indianapolis, Ind.

James C. Kerwin, Neenah, Wis.

Joseph B. Moore, Lansing, Mich.

W. H. Timlin, Madison, Wis.

O. H. Montgomery, Indianapolis, Ind.

John V. Hadley, Indianapolis, Ind.

Charles J. Bonaparte, Baltimore, Md.

\*Deceased.

†Active members of the Association.

## ROLL OF MEMBERS

Abbey, Charles P.....	1899..	1608-1612 Tribune Building...	Chicago
Abbott, Edwin H.....	1911..	414 First Nat'l Bank Bldg....	Chicago
Abbott, William T.....	1898..	181 La Salle Street.....	Chicago
Acton, William M.....	1909..	411 The Temple.....	Danville
Adami, Victor.....	1911.....		Coulterville
Adams, Francis.....	1910..	734 First Nat'l Bank Bldg....	Chicago
Adams, William A.....	1906..	715 Tacoma Building.....	Chicago
Adams, Geo. E.....	1909..	610 The Temple.....	Chicago
Addington, Keene H.....	1903..	1610 Ft. Dearborn Building...	Chicago
Adkinson, Elmer W.....	1891..	702-167 W. Washington St....	Chicago
Adler, Sidney.....	1911..	903-133 W. Washington St....	Chicago
Ahern, C. J.....	1911.....		Dwight
Akin, Edward C.....	1897..	Barber Building.....	Joliet
Alden, W. T.....	1905..	1104-11 Corn Exch. Bank Bldg.,	Chicago
Aldrich, Nathan J.....	1910..	31 S. River Street.....	Aurora
Aldrich, Charles H.....	1888..	418 Home Insurance Bldg....	Chicago
Allen, Charles L.....	1898..	1800 Com. Nat'l Bank Bldg...	Chicago
Alling, Charles, Jr.....	1906..	410 Title & Trust Bldg.....	Chicago
Alschuler, Benjamin P....	1905.....		Aurora
Alschuler, Samuel.....	1898..	1230-48 Tribune Building....	Chicago
Anderson, Augustus G....	1911..	1500 Am. Trust Building.....	Chicago
Anderson, A. L.....	1900..	Foley Building.....	Lincoln
Anderson, Ray N.....	1910..		Pittsfield
Anderson, S. S.....	1907..	Sherer Block.....	Charleston
Andrews, James DeWitt..	1897..	10 Wall Street.....	New York
Anthony, Charles E.....	1895.....		Cismount, Virginia
Anthony, George D.....	1895..	1323 Michigan Avenue.....	Chicago
ApMadoc, William Tudor..	1907..	1548 First Nat'l Bank Bldg...	Chicago
Appell, Albert J. W.....	1908..	604 City Hall.....	Chicago
Armstrong, M. N.....	1904..	Gedney Block.....	Ottawa
Arnd, Charles.....	1890..	53 Borden Block.....	Chicago
Arney, John J.....	1896.....		Casey
Arnold, Charles C.....	1908..	916-69 W. Washington St....	Chicago
Arnold, Victor P.....	1908..	Assistant State's Attorney....	Chicago
Arnold, Wilfred.....	1907..	Commercial Block.....	Galesburg
Ashcraft, E. M.....	1886..	1021 The Temple.....	Chicago
Ashcraft, Raymond M....	1909..	1021 The Temple.....	Chicago
Atherton, Harvey H.....	1909.....		Lewiston
Atkinson, Chas. A.....	1911..	Marquette Building.....	Chicago
Atwood, Harry F.....	1901..	1946 Morgan Avenue....	Morgan Park

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Austrian, Alfred S.....	1896..	Am. Trust Building.....	Chicago
Bach, Wm. R.....	1911..	508-12 Livingston Bldg....	Bloomington
Bacon, Henry M.....	1891..	166 Dearborn Street.....	Chicago
Bagby, Geo. M.....	1911..	419-9 South La Salle St.....	Chicago
Baker, John W.....	1904..	244 N. Howard Avenue.....	Chicago
Baldwin, Francis E.....	1910..	232½ West State St.....	Jacksonville
Baldwin, James S.....	1908..	Milliken Bank Building.....	Decatur
Baldwin, Jesse A.....	1886..	Judge, Branch App. Court....	Chicago
Baldwin, Robert R.....	1897..	310 Portland Block.....	Chicago
Ball, A. C.....	1903.....		Pontiac
Ball, Farlin H.....	1904..	805 Title & Trust Bldg.....	Chicago
Ball, Farlin Q.....	1891..	Judge, Superior Court.....	Chicago
Bancroft, Edgar A.....	1891..	1620 Corn Exch. Bank Bldg....	Chicago
Bandy, J. M.....	1910.....		Granite City
Banfill, Solon.....	1907.....		Bushnell
Bangs, Fred A.....	1898..	522-3 First Nat'l Bank Bldg....	Chicago
Bangs, Hal C.....	1908..	Am. Trust Building.....	Chicago
Banning, Thomas A.....	1892..	1628-32 Marquette Bldg.....	Chicago
Barasa, Bernard P.....	1911..	1613 Masonic Temple.....	Chicago
Barbee, William S.....	1906..	404 Rector Building.....	Chicago
Barber, Clayton J.....	1907..	Farmers Nat'l Bank.....	Springfield
Barbour, James J.....	1898..	1500 Title & Trust Bldg.....	Chicago
Bardwell, A. C.....	1911..	211 First Street.....	Dixon
Barker, Burt Brown.....	1905..	Title & Trust Bldg.....	Chicago
Barnes, John P.....	1911..	708-09 Washington St.....	Chicago
Barnes, R. M.....	1911.....		Lacon
Barnes, R. Magoon.....	1896.....		Lacon
Barnes, V. V.....	1896.....		Zion City
Barnes, Albert C.....	1909..	1303 Title & Trust Bldg.....	Chicago
Barnett, Otto R.....	1899..	1515-21 Monadnock Block.....	Chicago
Barnhart, Marvin E.....	1906..	803 Straus Building.....	Chicago
Barnum, Wm. H.....	1910..	610 N. Y. Life Building.....	Chicago
Barr, Geo. A.....	1909..	Young Building.....	Joliet
Barrett, Geo. F.....	1910..	42-69 W. Washington St.....	Chicago
Barrett, Oliver R.....	1906..	1406 Tribune Building.....	Chicago
Barry, Gerald G.....	1901..	1012 Ft. Dearborn Building....	Chicago
Barron, Edward H.....	1909..	24 So. Michigan Ave.....	Chicago
Barstow, Alfred.....	1911..	707 Com. Nat'l Bank Bldg....	Chicago
Bartelme, Mary M.....	1896..	1001-4 Ashland Block.....	Chicago
Bartholomay, Henry.....	1908..	1205 First Nat'l Bank Bldg....	Chicago
Bartlett, Charles Carroll..	1903..	750 Orleans Street.....	Chicago
Bartlett, Chas. L.....	1910..	703 Title & Trust Bldg.....	Chicago
Bartley, Charles E.....	1905..	931-9 Unity Building.....	Chicago
Barton, George P.....	1892..	1445 Monadnock Block.....	Chicago
Barton, Jesse B.....	1911..	311 Grand Cent. Pass. Sta.....	Chicago

Bassett, I. N.....	1877.....	Aledo
Bastrup, Louis.....	1897. 323 Reaper Block.....	Chicago
Bates, Jeanette.....	1910.....	Rockford
Batten, John H.....	1901. 504 Title & Trust Building....	Chicago
Baume, James S.....	1897.....	Galena
Bayley, Edwin F.....	1910. 1114 Association Building....	Chicago
Baer, A. H.....	1911. First Nat'l Bank Bldg.....	Chicago
Baer, Otto.....	1911. 820 Unity Building.....	Chicago
Bagby, George M.....	1911. 419-9 S. La Salle Street.....	Chicago
Balley, O. J.....	1879. Dime Savings Building.....	Peoria
Bainum, Noah C.....	1902.....	Carmi
Baird, McCawley.....	1911.....	Olney
Baker, Horace.....	1909. 18 First Nat'l Bank Bldg.....	El Paso
Bayston, A. H.....	1908. 640-76 W. Monroe St.....	Chicago
Beach, Clif E.....	1901.....	Paxton
Beach, Elmer E.....	1901. 1501-4 Ashland Block.....	Chicago
Beach, Myron H.....	1892. The Rookery.....	Chicago
Beach, Raymond W.....	1898. 1501-4 Ashland Block.....	Chicago
Beach, T. T.....	1911.....	Lincoln
Beale, William G.....	1897. 1700-72 W. Adams Street.....	Chicago
Beam, Henry D.....	1896. 115 Dearborn Street.....	Chicago
Becker, Benjamin V.....	1903. 823 Chamber of Com. Bldg....	Chicago
Beckwith, John W.....	1911. 810-100 Washington Street....	Chicago
Behan, Louis J.....	1911. 1120 Chamber of Commerce....	Chicago
Bettler, Henry C.....	1910. 148 Michigan Avenue.....	Chicago
Bither, Wm. A.....	1911. 1121 N. Y. Life Building.....	Chicago
Bell, Ira J.....	1911.....	Springfield
Benjamin, R. M.....	1904. Unity Building.....	Bloomington
Bennett, J. L.....	1901. 1301 Ashland Block.....	Chicago
Bergland, A. E.....	1907.....	Galva
Berkson, Maurice.....	1908. 934-39 Stock Exch. Bldg.....	Chicago
Bern, Edward A.....	1911. 135 Adams Street.....	Chicago
Bernreuter, L.....	1911.....	Nashville
Berry, Orville F.....	1883.....	Carthage
Bestel, Lucius W.....	1905. 326 The Temple.....	Chicago
Beye, William.....	1909. 700 Com. Nat'l Bank Bldg....	Chicago
Blester, Wm.....	1911. 510 State Street.....	Belvidere
Billings, Charles L.....	1904. 1001-4 Title & Trust Bldg.....	Chicago
Bingham, F. A.....	1896..	
Bingham, Joseph Walter..	1905..	
Binswanger, Augustus...	1898. 1520 Ft. Dearborn Bldg.....	Chicago
Bishop, James F.....	1910. 1001-4 Title & Trust Bldg....	Chicago
Blake, Freeman K.....	1910. Judge, Municipal Court.....	Chicago
Blanchard, Sidney R.....	1904. Court House.....	Ottawa

Blee, Jno. W.....	1910.....	Sandwich
Blinn, E. D.....	1878.....	Lincoln
Blockl, Gale.....	1908..1350 First Nat'l Bank Bldg....	Chicago
Bloomington, John A....	1904..1410 Security Building.....	Chicago
Blumenthal, Isadore S....	1908..1616 Tribune Building.....	Chicago
Boardman, Norman H....	1911.....	Aurora
Boddinghouse, R. W.....	1908..69 W. Washington St.....	Chicago
Boggs, Franklin H.....	1896..111 Main Street.....	Urbana
Bolen, John L.....	1904..1118 Hartford Building.....	Chicago
Bollinger, A. C.....	1910.....	Waterloo
Bobb, Dwight S.....	1910..1100 Am. Trust Building.....	Chicago
Booth, Fenton W.....	1902..Judge Ct. of Claims, Washington, D. C.	
Booth, Sherman M.....	1910..945 Am. Trust Building.....	Chicago
Borders, M. W.....	1902..557 The Rookery.....	Chicago
Bosworth, John F.....	1904.....	El Paso
Boughan, Andrew B....	1903..950 Com. Nat'l Bank Bldg....	Chicago
Boulware, J. R.....	1905..Arcade Building.....	Peoria
Boyd, Thomas.....	1911.....	Mound City
Boyden, William C.....	1896..510 Portland Block.....	Chicago
Boyer, Harry B.....	1911..55 N. Neil Street.....	Champaign
Boyle, Laurence P.....	1910..1718-20 Harris Trust Bldg....	Chicago
Boyle, Edw.....	1911..206 S. La Salle Street.....	Chicago
Boys, W. H.....	1907..202 E. Main Street.....	Streator
Bradford, William A....	1908.....	Springfield
Bradley, John H.....	1896.....	Libertyville
Bradley, L. M.....	1896.....	Mound City
Bradley, Ralph R.....	1896..627 The Rookery.....	Chicago
Bradwell, Thomas.....	1890..201 Chl. Opera House Bldg....	Chicago
Brannan, George E.....	1908..1001 Title & Trust Bldg.....	Chicago
Bray, James A.....	1910..Young Building.....	Joliet
Brecker, Oscar W.....	1911..807-11-160 Washington St.....	Chicago
Breding, Ben N.....	1911..76 W. Monroe Street.....	Chicago
Breeden, Mark.....	1910..4509 N. Paulina Street.....	Chicago
Breese, Sidney S.....	1909.....	Springfield
Brentano, Theodore.....	1909..Judge, Superior Court.....	Chicago
Brickwood, Albert W....	1908..1201-2 Rector Building.....	Chicago
Brinkman, George A....	1911..1635 West End Ave....	Chicago Heights
Brockhouse, Edward P...	1911.....	Jacksonville
Brothers, Elmer D.....	1911..30 La Salle St.....	Chicago
Brown, A. M.....	1907.....	Galesburg
Brown, C. Leroy.....	1908..900 First Nat'l Bank Bldg....	Chicago
Brown, Edward O.....	1891..Judge Appellate Court.....	Chicago
Brown, Frederick A....	1900..804 Tacoma Building.....	Chicago

Brown, Geo.....	1907.....	Sycamore
Brown, James E.....	1896..1208 Ashland Block.....	Chicago
Brown, J. B.....	1896.....	Monmouth
Brown, John A.....	1906..1601 Title & Trust Building....	Chicago
Brown, John J.....	1886.....	Vandalla
Brown, Paul.....	1896..1604 Corn Exch. Bank Bldg....	Chicago
Brown, Robert J.....	1903.....	Edwardsville
Brown, Stuart.....	1884..309 South Sixth Street.....	Springfield
Brown, Taylor E.....	1897..808 Marquette Bldg.....	Chicago
Browning, Granville W....	1904..1210 Hartford Building.....	Chicago
Bruggemeyer, Mancha....	1908..302-5 Ashland Block.....	Chicago
Bryan, William E.....	1908..1512 Ashland Block.....	Chicago
Buck, Charles M.....	1904..Hanna Building.....	Bloomington
Buckingham, Geo. T.....	1907..226 South La Salle St.....	Chicago
Buckingham, I. A.....	1910..502 Millikin Bldg.....	Decatur
Buell, Charles C.....	1906..1608-12 Tribune Building.....	Chicago
Bulkley, Almon W.....	1892..518 Home Ins. Bldg.....	Chicago
Bull, Follett W.....	1904..1113 The Rookery.....	Chicago
Bunch, Thaddeus O.....	1908..1717 Harris Trust Bldg.....	Chicago
Bundy, William F.....	1906..212 E. Broadway.....	Centralia
Bundy, Jno. J.....	1907.....	Centralia
Buntain, C. M. Clay.....	1911..25 Arcade Building.....	Chicago
Burchard, John C.....	1904..610-18 Title & Trust Bldg.....	Chicago
Burke, Richard E.....	1909..Judge Superior Court.....	Chicago
Burke, Edmund W.....	1908..1002 Hartford Building.....	Chicago
Burke, Edmund.....	1908..Farmers Nat'l Bank Bldg..	Springfield
Burley, Clarence A.....	1892..1212 Rector Building.....	Chicago
Burnham, Hugh L.....	1896..400 Com. Nat'l Bank Bldg....	Chicago
Burns, Randall W.....	1911..420 Corn Exch. Bank Bldg....	Chicago
Burns, Wm. Foster.....	1911..725 Stock Exchange Bldg....	Chicago
Burrell, Louis H.....	1907.....	Freeport
Burroughs, B. R.....	1881.....	Edwardsville
Burroughs, D. W.....	1909..500 Cahokia Building.....	E. St. Louis
Burroughs, George D.....	1903..108 Hillsboro Avenue....	Edwardsville
Burroughs, Wm. G.....	1911.....	Edwardsville
Burry, George.....	1908..1605 Ashland Block.....	Chicago
Burry, William.....	1905..925 The Temple.....	Chicago
Burton, Charles S.....	1909..1410 Marquette Building.....	Chicago
Burton, George W.....	1909..Mayer Building.....	Peoria
Burton, Robert A.....	1909..1620 Ashland Block.....	Chicago
Burton, Charles H.....	1901.....	Edwardsville
Burton, F. W.....	1908.....	Carlinville
Burt, Joseph B.....	1910..1607-9 Ashland Block.....	Chicago
Busby, Leonard A.....	1910..1639 First Nat'l Bank Bldg....	Chicago



Busch, Francis X.....	1910..1431-36 Unity Building.....	Chicago
Busch, T. T.....	1911.....	Lincoln
Busch, Louis A.....	1911..Citizens State Bank Bldg..	Champaign
Butler, Rush C.....	1898..Monadnock Bldg.....	Chicago
Buttler, Wm. N.....	1911.....	Calro
Bynum, James L.....	1910..1520-24 Unity Building.....	Chicago
Cahn, Bertram J.....	1908..509 Ashland Block.....	Chicago
Cain, Frank R.....	1908..933 Stock Exchange.....	Chicago
Caldwell, Andrew S.....	1897.....	Carbondale
Calhoun, H. Clay.....	1908..404 Roanoke Building.....	Chicago
Calhoun, W. J.....	1886..940 The Rookery.....	Chicago
Callahan, Ethelbert.....	1877.....	Robinson
Cameron, John M.....	1896..811-815 The Rookery.....	Chicago
Cameron, Ossian.....	1910..1109-13 Stock Exchange Bldg..	Chicago
Campbell, Bruce A.....	1911..500-5 Metropolitan Bldg....	E. St. Louis
Campbell, H. Erskine.....	1908..1301 First Nat'l Bank Bldg....	Chicago
Campbell, Robert W.....	1910..700 Com. Nat'l Bank Bldg....	Chicago
Campbell, Charles B.....	1910..7 Cobb Boulevard.....	Kankakee
Candee, Robert.....	1911..515 Monadnock Bldg.....	Chicago
Cantrell, William S.....	1910..North Main Street.....	Benton
Capen, Charles L.....	1879..Greisheim Building.....	Bloomington
Carlin, Nellie.....	1907..1202 Ashland Block.....	Chicago
Carnahan, C. C.....	1908..1616 First Nat'l Bank Bldg....	Chicago
Carnahan, Frank G.....	1901..New Cham. of Com., Minneapolis, Min.	
Carnes, Duane J.....	1911.....	Sycamore
Carney, Fletcher.....	1907.....	Galesburg
Carpenter, Fred E.....	1910..122 South Main Street.....	Rockford
Carr, Robert.....	1908.....	Ottawa
Carter, Orrin N.....	1896..1022 Court House.....	Chicago
Carton, Alfred T.....	1910..1000 Am. Trust Building.....	Chicago
Cartwright, James H.....	1894.....	Oregon
Cartwright, Forest S.....	1907..108 La Salle Street.....	Chicago
Case, Charles Center, Jr.....	1905..105 South La Salle St.....	Chicago
Case, Theodore G.....	1897..42-106 N. La Salle Street.....	Chicago
Casey, John D.....	1903..1314 Ashland Block.....	Chicago
Cass, George W.....	1892..Portland Block.....	Chicago
Castle, Howard P.....	1911..1019 Chamber of Com. Bldg....	Chicago
Castle, Percy V.....	1898..1019-21 Cham. of Com. Bldg....	Chicago
Castle, T. H.....	1908.....	Abington
Caswell, C. L. Jr.....	1903..1244 First Nat'l Bank Bldg....	Chicago
Caverly, John R.....	1903..Judge Municipal Court.....	Chicago
Cavette, Scott O.....	1910..420 Ashland Block.....	Chicago
Caylor, Worth E.....	1897..501 Title & Trust Bldg.....	Chicago
Cella, Angelo S.....	1896..35 Wall Street.....	New York

Cermak, Jerome J.....	1911..1630 Tribune Building.....	Chicago
Chace, Henry T., Jr.....	1904..303 Reaper Block.....	Chicago
Chancellor, Justus.....	1894..704 Pullman Bldg.....	Chicago
Chandler, Henry P.....	1911..1310-108 La Salle Street.....	Chicago
Chandler, William B.....	1897.....	Spanaway, Washington
Chapman, Clarence B.....	1897..Nat'l City Bank Bldg.....	Ottawa
Chapman, Theodore.....	1909..Harris Trust Building.....	Chicago
Chapman, Pleas T.....	1893.....	Vienna
Charles, Albert N.....	1908..1013 Ashland Block.....	Chicago
Chase, B. F.....	1885..Security Building.....	Chicago
Cheadle, Charles.....	1906.....	Joliet
Cheever, Dwight B.....	1908..1133 Monadnock Block.....	Chicago
Childs, Frank Hall.....	1911..1312 Peoples Gas Bldg.....	Chicago
Childs, Robert W.....	1910..826 Federal Building.....	Chicago
Chindblom, Carl R.....	1908..808-167 W. Washington St....	Chicago
Chipperfield, Burnett M.....	1898.....	Canton
Chipperfield, C. E.....	1902.....	Canton
Chipman, George E.....	1911..7 South Dearborn Street.....	Chicago
Christophers, Henry R.....	1905..163 Randolph Street.....	Chicago
Chritten, George A.....	1911..1508 Marquette Building.....	Chicago
Choisser, W. V.....	1907.....	Harrisburg
Church, William E.....	1899..1303 Title & Trust Bldg.....	Chicago
Church, William T.....	1905.....	Aledo
Chytraus, Axel.....	1898..1228-29 South La Salle St....	Chicago
Clapper, Sanford S.....	1911.....	Moweaqua
Clark, George L.....	1909..206 College Law Building....	Urbana
Clark, Charles D.....	1908..940 The Rookery.....	Chicago
Clarke, Elam.....	1907..218 Washington Street.....	Waukegan
Clark, James F.....	1911.....	Rantoul
Clark, William O'Dell.....	1908..61-67 West Kinzie Street.....	Chicago
Cleland, McKenzie.....	1902..813 Fort Dearborn Bldg.....	Chicago
Clendenin, James W.....	1905.....	Monmouth
Cleveland, Chester E.....	1896..823 Cham. of Com. Bldg.....	Chicago
Cliffe, A. C.....	1910..148 West State Street.....	Sycamore
Clifford, R. W.....	1910..734 First Nat'l Bank Bldg....	Chicago
Coburn, John J.....	1906..58-106 North La Salle St....	Chicago
Cochran, John R.....	1911..700-115 Adams St.....	Chicago
Coffeen, M. Lester.....	1895..818 Home Insurance Bldg....	Chicago
Coggeshall, F. A.....	1910.....	Champaign
Colby, Francis T.....	1898..1041½ Valencia St., San Francisco, Cal.	
Collins, Lorrin C.....	1879..Associate Justice 3rd Judicial District	
	.....Christobal, Isthmian Canal Zone	
Colson, Harry G.....	1908..1809 First Nat'l Bank Bldg....	Chicago
Comerford, Frank.....	1911..905 Ashland Block.....	Chicago

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Converse, Henry A.....	1908..	Federal Building.....	Springfield
Conaghan, M. D.....	1908..	910 E. Broadway.....	Pekin
Condee, L. D.....	1911..	402-35 North Dearborn St.....	Chicago
Condon, James G.....	1905..	721-23 First Nat'l Bank Bldg.....	Chicago
Condor, C. L.....	1909.....		Pekin
Cone, William S.....	1907..	Rooms 7 & 8 Sherer Block.....	Charleston
Conkling, Clinton L.....	1902..	205 South Fifth Street.....	Springfield
Conley, D. C.....	1910..	508-10 Millikin Bldg.....	Decatur
Connell, J. A.....	1909..	Attorney C. B. & Q. R. R.....	Chicago
Connelly, Bernard D.....	1909..	People's Nat'l Bank Bldg., Rock Island	
Connolly, James A.....	1878..	225 South Sixth Street.....	Springfield
Cook, Horace Wright.....	1907..	832-36 Stock Exchange Bldg.....	Chicago
Cook, Robert.....	1911.....		Marion
Cook, Wells M.....	1907..	934 First Nat'l Bank Bldg.....	Chicago
Cooke, George A.....	1905.....		Aledo
Cooney, Richard J.....	1908..	1202 Ashland Block.....	Chicago
Cooney, W. B.....	1907..	Arcade Building.....	Pekin
Coonley, Henry E.....	1911..	30 North Dearborn Street.....	Chicago
Cooper, William Fenimore.....	1897..	Judge Superior Court.....	Chicago
Cooper, Bernhard S.....	1909..	806 Tribune Building.....	Chicago
Cottrell, Wm. N.....	1910..	Judge Municipal Court.....	Chicago
Coulter, John H.....	1907..	1101 McCormick Bldg.....	Chicago
Courtney, James C.....	1893.....		Metropolis
Covert, Edna Howard.....	1909..	935 Windsor Ave.....	Chicago
Cowan, David J.....	1909.....		Vienna
Cowen, Israel.....	1910..	907 Tacoma Building.....	Chicago
Cowing, George J.....	1908.....		Joliet
Crafts, Clayton Edward.....	1908..	925-27 Stock Exchange Bldg.....	Chicago
Craig, Bryan Y.....	1904..	409 Stock Exchange Bldg.....	Chicago
Craig, C. C.....	1907..	330 East Main Street.....	Galesburg
Craig, L. H.....	1908..	1216 Fort Dearborn Bldg.....	Chicago
Crane, Jos. V.....	1909..	519-58 West Washington St.....	Chicago
Cratty, Josiah.....	1900..	1511 Fort Dearborn Bldg.....	Chicago
Cratty, Thomas.....	1878..	1511 Fort Dearborn Bldg.....	Chicago
Crea, Hugh.....	1881.....		Decatur
Creekmur, John W.....	1909..	1407 Marquette Building.....	Chicago
Creel, Thomas Z.....	1907..	133½ Public Square.....	Macomb
Creighton, James A.....	1877..	Judge Circuit Court.....	Fairfield
Cressy, Morton S.....	1910..	826 Federal Building.....	Chicago
Crisler, A. E.....	1901.....		Chester
Crossland, Charles.....	1911.....		Bowen
Crow, George A.....	1908..	412 Missouri Avenue.....	E. St. Louis
Crowell, Solon W.....	1911.....		Oregon
Cullum, Shelby M.....	1878..	Leland Hotel.....	Springfield

Culver, Alvin H.....	1902..	912-915 N. Y. Life Bldg.....	Chicago
Culver, Morton T.....	1907..	829-30 Chi. Stock Exchange....	Chicago
Cummins, James S.....	1908..	200-206 South La Salle St.....	Chicago
Cunningham, G. W.....	1911.....		Pekin
Curran, Dan J.....	1910.....		Macomb
Curran, John M.....	1910..	1127 Association Building.....	Chicago
Curran, William R.....	1897.....		Pekin
Currier, Albert Dean.....	1905..	412 Home Insurance Bldg.....	Chicago
Custer, Jacob R.....	1896..	811-815 The Rookery.....	Chicago
Cutting, Charles S.....	1896..	Judge Probate Court.....	Chicago
Dacy, Albert E.....	1903..	2751 Sheridan Road.....	Chicago
D'Ancona, Edward N....	1908..	1030 Stock Exchange Bldg....	Chicago
Danforth, Herman W....	1905.....		Washington
Darling, H. M.....	1910..	200-206 South La Sa'le St.....	Chicago
Darrow, Clarence S.....	1896..	1202 Ashland Block.....	Chicago
Daugherty, M. J.....	1896..	110 Main Street.....	Galesburg
Dawes, Chester M.....	1907..	55 Gen. Offices M. C. B. & Q. R. R.	
			Chicago
David, Joseph B.....	1897..	16-18 Metropolitan Block.....	Chicago
Davis, Abel.....	1909..	1034 First Nat'l Bank Bldg....	Chicago
Davis, Brode B.....	1904..	813 The Temple.....	Chicago
Davis, James E.....	1907.....		Galesburg
Davis, James Ewing.....	1909..	1410 Title & Trust Bldg.....	Chicago
Davis, J. McCan.....	1908.....		Springfield
Davies, Morgan L.....	1909..	734 First Nat'l Bank Bldg....	Chicago
Davison, B. M.....	1902.....		Marshall
Dawson, George E.....	1891..	1445 First Nat'l Bank Bldg....	Chicago
Dawson, Thomas J.....	1911..	1512 Ashland Block.....	Chicago
Decker, Edw. H.....	1911..	Law Dept. Univ. of Illinois....	Urbana
Deering, Thomas G.....	1908..	164 Dearborn Street.....	Chicago
Defrees, Joseph H.....	1891..	226 La Salle Street.....	Chicago
De Grazia, John.....	1911..	307 Ashland Block.....	Chicago
Demerath, N. J.....	1910..	Cor. Second and Tremont Sts.,	Kewanee
Dempcy, Thomas E.....	1911..	Atty. General's Office.....	Springfield
Dempsey, Ralph.....	1909.....		Pekin
Deneen, Charles S.....	1897..	State Capital.....	Springfield
Dennison, E. E.....	1910.....		Marion
Dent, Louis L.....	1904..	925 The Rookery.....	Chicago
Dent, Thomas.....	1879..	610 Portland Block.....	Chicago
Devine, Miles J.....	1908..	320 Reaper Block.....	Chicago
Dewey, Wm. S.....	1911.....		Cairo
DeWolf, W. C.....	1908.....		Belvidere
Diamond, Jacob.....	1909..	810 Tacoma Building.....	Chicago
Dibell, Dorrance.....	1892..	Judge Circuit Court.....	Joliet

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Dick, Homer T.....	1910..	McCormick Building.....	Chicago
Dicker, Edward A.....	1908..	Judge Municipal Court.....	Chicago
Dickinson, Henry F.....	1906..	1511 First Nat'l Bank Bldg....	Chicago
Dickinson, John R.....	1910..	1335 Ry. Ex. Bldg.....	Chicago
Dierssen, George E.....	1911..	1501-4 Ashland Block.....	Chicago
Dietz, Cyrus E.....	1910..	Post Office Building.....	Moline
Dillon, H. C.....	1911..	.....	Springfield
Dillon, M. J.....	1907..	.....	Galena
Dillon, William.....	1903..	1218 Ashland Block.....	Chicago
Dixon, George Wm.....	1907..	425 South Fifth Avenue.....	Chicago
Dixon, Henry S.....	1907..	120 E. First Street.....	Dixon
Dixon, Simeon W.....	1911..	437 Belmont Avenue.....	Chicago
Dixon, William Warren..	1905..	940 The Rookery.....	Chicago
Dobbin, D. C.....	1907..	.....	Stronghurst
Dobbins, Oliver B.....	1908..	19 Main Street.....	Champaign
Dobyns, Fletcher.....	1910..	925 The Rookery.....	Chicago
Dolan, W. J.....	1911..	13 Main Street.....	Champaign
Dolph, Fred A.....	1904..	1606 Tribune Building.....	Chicago
Dolson, Walter J.....	1909..	.....	Tuscola
Donahue, John T.....	1898..	Barber Building.....	Joliet
Donnelly, Charles H.....	1898..	.....	Woodstock
Donnelly, E. E.....	1911..	Corn Belt Bank Bldg....	Bloomington
Donovan, T. F.....	1906..	Young Building.....	Joliet
Doocy, Edward.....	1911..	.....	Pittsfield
Doss, W. A.....	1910..	.....	Monticello
Douglass, George L.....	1899..	806 The Temple.....	Chicago
Dow, Lorenzo E.....	1902..	910-167 W. Washington St....	Chicago
Doyle, Leo J.....	1905..	534 First Nat'l Bank Bldg....	Chicago
Doyle, William A.....	1903..	1207-9 First Nat'l Bank Bldg..	Chicago
Drennan, James L.....	1902..	.....	Taylorville
Drennan, John G.....	1882..	1 Park Row.....	Chicago
Dresser, Jasper M.....	1908..	419 The Temple.....	Chicago
Duffy, Frederick.....	1901..	.....	Highland Park, Ill.
Duncan, W. W.....	1899..	Judge Circuit Court.....	Marion
Duncombe, Herbert S....	1903..	1120 Chamber of Commerce...	Chicago
Dunn, F. K.....	1895..	.....	Charleston
Dunn, Robert W.....	1911..	950-72 West Adams St.....	Chicago
Dupée, Eugene H.....	1911..	606-200 Randolph Street.....	Chicago
Dupuy, George Alexander.	1904..	Law Dept. I. C. R. R. Co.....	Chicago
Durand, Arthur F.....	1911..	1314-16 Fisher Building.....	Chicago
Duzan, Bert S.....	1911..	.....	Oregon
Dwight, Samuel L.....	1877..	.....	Centralla
Dwyer, James.....	1909..	Commercial Bank Bldg.....	Danville
Dyas, Richard S.....	1909..	.....	Paris

Dyas, Joseph E.....	1901.....	Paris
Dyer, Wayne H.....	1911..46-7-8 Bank Building.....	Kankakee
Dynes, O. W.....	1908..1335 Ry. Ex. Bldg.....	Chicago
Dyrenforth, Arthur.....	1910..914 Marquette Building.....	Chicago
Eagleton, John C.....	1911.....	Robinson
Early, Albert D.....	1892.....	Rockford
Early, Henry S.....	1911.....	Sycamore
Early, William P.....	1896.....	Edwardsville
Eastman, Albert N.....	1897..909 The Temple.....	Chicago
Eastman, Sidney Corning.....	1892..901-9 Monadnock Block.....	Chicago
Eaton, Marquis.....	1908..226 South La Salle Street.....	Chicago
Eberhardt, Max.....	1903..Judge Municipal Court.....	Chicago
Eckhart, Percy B.....	1904..1340 First Natl. Bk. Bldg.....	Chicago
Eckhert, L. M.....	1909.....	Princeton
Eckels, Geo. M.....	1907..1727 Com. Natl. Bk. Bldg.....	Chicago
Edie, A. C.....	1911.....	Monticello
Eddy, Alfred D.....	1908..924-72 W. Adams St.....	Chicago
Eddy, Arthur J.....	1897..800 The Temple.....	Chicago
Eddy, Morton H.....	1910..934 Com. Natl. Bk. Bldg.....	Chicago
Edelman, Leon.....	1911..1129 Am. Trust Bldg.....	Chicago
Edwards, William.....	1911.....	Pinckneyville
Eldredge, Edgar.....	1908.....	Ottawa
Eldridge, Edwin R.....	1911..134 Monroe St.....	Chicago
Elliff, John T.....	1908..333 Court Street.....	Pekin
Elliot, John M.....	1908..Y. M. C. A. Building.....	Peoria
Ellwood, William L.....	1906..129 North Jefferson Avenue....	Peoria
Elsdon, James G.....	1901..1636 First Natl. Bk. Bldg.....	Chicago
Elting, Victor.....	1899..706 The Rookery.....	Chicago
Elting, Philip E.....	1907.....	Macomb
Emersson, Wm. J.....	1911.....	Oregon
Emmons, Law E.....	1884.....	Quincy
Emrich, Meyer S.....	1898..602 City Hall.....	Chicago
Emrich, Wm. H. Pauling.....	1908..18 Rue Royale.....	Paris, France
Ennis, Alfred.....	1888..The Rookery.....	Chicago
Ennis, James I.....	1911..1334-40 Stock Ex. Bldg.....	Chicago
Epler, Carl E.....	1902..239 North Fifth Street.....	Quincy
Erb, J.....	1898..816 Ashland Block.....	Chicago
Errant, Joseph W.....	1888..1407 Ashland Block.....	Chicago
Esher, Edward B.....	1897..84 LaSalle Street.....	Chicago
Esterline, Blackburn.....	1910.....	Washington, D. C.
Ettelson, Samuel A.....	1910..1218-20 N. Y. Life Bldg.....	Chicago
Evans, Lynden.....	1896..1007 Ft. Dearborn Bldg.....	Chicago

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Evans, John T.....	1908..	1848 Com. Natl. Bk. Bldg.....	Chicago
Evans, Thomas.....	1908..	50 Borland Bldg.....	Chicago
Evans, Winslow.....	1894..	Woolner Building .....	Peoria
Everett, Edward W.....	1905..	1400 First Natl. Bk. Bldg....	Chicago
Ewerts, Peter.....	1911..	1201-100 Washington St.....	Chicago
Ewing, Charles A.....	1910..	122 N. Water Street.....	Decatur
Fairfield, Frank M.....	1911..	602 N. Y. Life Bldg.....	Chicago
Fairweather, George O....	1911..	1204-206 LaSalle St.....	Chicago
Falssler, John.....	1910..	Daniel Pierce Building.....	Sycamore
Falk, Lester L.....	1910..	1620 Corn Ex. Bk. Bldg.....	Chicago
Farmer, William M.....	1881..	.....	Vandalla
Farwell, John C.....	1899..	1012 Ft. Dearborn Bldg.....	Chicago
Fassett, Eugene G.....	1908..	414 First Natl. Bk. Bldg....	Chicago
Faulkner, Charles J., Jr..	1908..	137 So. LaSalle St.....	Chicago
Felsenthal, Eli B.....	1899..	810 Chl. Title & Trust Bldg...	Chicago
Ferguson, Elbert C.....	1892..	610-618 Title & Trust Bldg...	Chicago
Ferguson, Charles W....	1911..	.....	Rockford
Field, El. P.....	1907..	.....	Monmouth
Fifer, Ernest R.....	1909..	401-58 W. Washington St....	Chicago
Firke, Chas. W.....	1907..	.....	Mansfield
Fisher, Geo. P.....	1907..	1431 Marquette Bldg.....	Chicago
Fisher, Gustave F.....	1910..	1430 Corn Ex. Bk. Bldg.....	Chicago
Fisk, R. W.....	1909..	W. Main Street.....	Ridgefarm
Fitch, Jos. H.....	1911..	1129 County Building.....	Chicago
Fithian, John B.....	1908..	Court House.....	Joliet
FitzHenry, Louis.....	1900..	.....	Bloomington
Fitzgerald, Arthur M....	1907..	.....	Springfield
Fitzgerald, John R.....	1910..	513 Millikin Bldg.....	Decatur
Flack, Charles W.....	1907..	.....	Macomb
Flannery, Daniel F.....	1910..	816 The Rookery.....	Chicago
Fletcher, William Meade..	1896..	West End Trust Bldg....	Philadelphia
Floan, John P.....	1905..	100 Williams Street.....	New York
Foell, Charles M.....	1908..	803 Straus Building.....	Chicago
Fogle, John L.....	1906..	1110 Fort Dearborn Building...	Chicago
Foley, Stephen A.....	1896..	.....	Lincoln
Follansbee, George A....	1898..	409 Home Insurance Bldg....	Chicago
Follansbee, Mitchell D...	1900..	409 Home Insurance Bldg....	Chicago
Folomle, Robert J.....	1908..	1206 Merchants Loan & Tr. Co.,	Chicago
Foltz, I. W.....	1911..	1008-10 Unity Building.....	Chicago
Footo, Roger L.....	1908..	420 Corn Ex. Bank Bldg.....	Chicago
Foreman, Milton.....	1910..	822 First Nat'l Bank Bldg....	Chicago
Forrest, William S.....	1897..	1016 Ashland Block.....	Chicago
Forstall, James Jackson..	1910..	1800 Com. Nat'l Bank Bldg...	Chicago

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Fort, Arthur C.....	1911.....	Minonk
Foss, Martin H.....	1908..814 Home Insurance Bldg.....	Chicago
Foster, Stephen A.....	1896..1414 Monadnock Block.....	Chicago
Foster, William H.....	1892..Sheridan Road.....	Chicago
Fowler, R. R.....	1908.....	Marion
Framer, Rudolph J.....	1911..Murphy Building.....	E. St. Louis
Frank, Robert J.....	1908..1315 First Nat'l Bank Bldg....	Chicago
Frank, Walter C.....	1907..19 Main Street.....	Galesburg
Franklin, W. J.....	1907.....	Macomb
Freeman, Henry V.....	1891..1201 Title & Trust Bldg.....	Chicago
Freeman, Henry W.....	1910..826 Federal Building.....	Chicago
Freund, Ernest.....	1908..Law Dept. Univ. of Chicago...	Chicago
Friedman, Herbert J.....	1911..First Nat'l Bank Bldg.....	Chicago
Friedmeyer, John G.....	1908.....	Springfield
Frings, H. C.....	1909..357 Court Street.....	Pekin
Frost, Arthur H.....	1896.....	Rockford
Frost, E. Allen.....	1902..1228-29 South La Salle St....	Chicago
Fry, George C.....	1898..36-128 North La Salle St....	Chicago
Fry, Sheridan E.....	1910..Judge Municipal Court.....	Chicago
Fuhr, Albert Burr.....	1910.....	Macomb
Fulkerson, Monroe.....	1896..1201 Title & Trust Bldg.....	Chicago
Fuller, Charles E.....	1892.....	Belvidere
Fuller, Henry C.....	1894..City Hall.....	Peoria
Fuller, Irwin L.....	1909..415-19 Woolner Building.....	Peoria
Fullerton, William D.....	1897..609 La Salle Street.....	Ottawa
Fulton, Wm. J.....	1910..Daniel Pierce Bldg.....	Sycamore
Funk, F. C.....	1910.....	Bluffs
Funk, Antoinette.....	1909..1205-10 Unity Building.....	Chicago
Furness, William Elliot...	1898..1301 Rector Building.....	Chicago
Fyffe, Colin C. H.....	1908..1709 Harris Trust Bldg.....	Chicago
Gall, Ernest S.....	1911.....	Highland Park
Gale, George Candee.....	1901.....	Galesburg
Gallagher, M. F.....	1900..1406 Tribune Building.....	Chicago
Gallery, Daniel V.....	1910..1110 Title & Trust Bldg.....	Chicago
Gallimore, John L.....	1911.....	Cartersville
Gann, David B.....	1899..1701 Borland Building.....	Chicago
Gansbergen, Frederick H.	1902..Chamber of Commerce.....	Chicago
Gardner, C. P.....	1910..934 First Nat'l Bank Bldg.....	
	.....Chicago and Mendota	
Garnett, Eugene H.....	1903..1538-44 Tribune Building.....	Chicago
Garrett, Bruce H.....	1910..403 Trust Building.....	Rockford
Gary, Elbert H.....	1892..Empire Building.....	New York
Gascolgne, James B.....	1903..905 First Nat'l Bank Bldg....	Chicago



Gash, A. D.	1904.	614-118 North La Salle St.	Chicago
Gates, Albert R.	1899.	910-13 Title & Trust Bldg.	Chicago
Gavin, John F.	1910.	1222 First Nat'l Bank Bldg.	Chicago
Gee, S. J.	1911.		Lawrenceville
Geer, Ira J.	1906.	1506 Ashland Block.	Chicago
Geers, Lester M.	1911.		Edwardsville
Geeting, John A.	1911.	1531 Unity Building.	Chicago
Gemmill, William N.	1903.	Judge Municipal Court.	Chicago
Gibbons, John.	1886.	Judge Circuit Court.	Chicago
Gibbons, Ira C.	1910.		Princeton
Gilbert, J. Thornton.	1896.	1006 Fort Dearborn Bldg.	Chicago
Gilbert, Miles Frederick.	1911.		Cairo
Gilbert, Roy O.	1907.	512-58 W. Washington St.	Chicago
Gilbert, Wm. B.	1911.		Cairo
Gillan, John H.	1908.		Watseka
Gillespie, George B.	1896.	Booth Building.	Springfield
Gillespie, Thomas E.	1911.	Cahokia Building.	E. St. Louis
Gillam, Walter L.	1911.	725-6-7 First Nat'l Bank Bldg.	Chicago
Girten, M. F.	1911.	Municipal Court.	Chicago
Glad, Edward A.	1910.	2100 North Ave.	Chicago
Glasgow, William H.	1908.		Warren
Glenn, Otis F.	1911.	1101 Walnut Street.	Murphysboro
Godman, Elwood G.	1909.	826 Federal Building.	Chicago
Goetz, Albert.	1911.	437 Stock Exchange Bldg.	Chicago
Golden, Thomas J.	1882.		Marshall
Goodwin, Clarence N.	1905.	734 First Nat'l Bank Bldg.	Chicago
Goodwin, John S.	1898.	304 The Temple.	Chicago
Goodyear, A. F.	1911.		Watseka
Gordley, W. T.	1910.		Virginia
Gordon, James W.	1907.		Oquawka
Gorham, Sidney S.	1911.	171 La Salle Street.	Chicago
Gorman, Geo. E.	1910.	729-32 Stock Exchange Bldg.	Chicago
Goss, Ferdinand.	1908.	1040-48 Tribune Bldg.	Chicago
Gower, Eben B.	1911.	33-6 Bank Building.	Kankakee
Graham, Hugh J.	1911.		Springfield
Graham, James M.	1896.	216 South Fifth Street.	Springfield
Graham, William J.	1904.		Aledo
Graham, Willis F.	1907.		Monmouth
Granger, Alexis L.	1904.		Kankakee
Grant, Frederick M.	1898.	Churchill House Block.	Canton
Grant, Walter J.	1908.		Danville
Graves, Albert N.	1910.	1228 Monadnock Block.	Chicago
Graves, Dwight W.	1898.	607-35 North Dearborn St.	Chicago

Graves, Emery C.....	1902.....	Geneseo
Graves, Frank P.....	1903..1537 First Nat'l Bank Bldg....	Chicago
Grawoig, Garrison.....	1910..200-206 South La Salle St.....	Chicago
Gray, J. M.....	1910..502 Millikin Building.....	Decatur
Gray, Edward E.....	1896..518 Home Insurance Bldg.....	Chicago
Graydon, Thomas J.....	1908..603 Masonic Temple.....	Chicago
Greely, Louis M.....	1908..611 Portland Block.....	Chicago
Green, Alvah S.....	1899.....	Galesburg
Green, E. B.....	1879.....	Mt. Carmel
Green, Henry I.....	1904.....	Urbana
Green, Frederick.....	1909..College of Law.....	Urbana
Green, Edward J.....	1910..1518 Ashland Block.....	Chicago
Greenacre, Isalah T.....	1908..404-32 W. Washington St.....	Chicago
Greene, J. Kent.....	1908..917 City Hall.....	Chicago
Greenfield, Charles W....	1896..1506 Fort Dearborn Building..	Chicago
Gregg, D. H.....	1909.....	Wenona
Gregory, S. S.....	1895..1103-69 W. Washington St.,...	Chicago
Gregory, Fred L.....	1910..4-5 Morrison Block.....	Jacksonville
Gresham, Otto.....	1898..1201 Title & Trust Bldg.....	Chicago
Gridley, Ernest C.....	1911..406 South State Street.....	Belvidere
Gridley, Martin M.....	1892..Judge Superior Court.....	Chicago
Grier, R. J.....	1899..National Bank Bldg.....	Monmouth
Griffen, Alonzo M.....	1905..1301-4 Ashland Block.....	Chicago
Griggs, Clarence.....	1891..601 La Salle Street.....	Ottawa
Griggs, E. M.....	1909..206 East Main Street.....	Streator
Gross, Alfred H.....	1898..726 The Temple.....	Chicago
Gualano, Alberto N.....	1910..167 North Clark Street.....	Chicago
Guerin, Henry M.....	1911..1406 Tribune Building.....	Chicago
Guerin, Mark E.....	1908..1048 Tribune Building.....	Chicago
Guernsey, Guy.....	1908..421-23 The Temple.....	Chicago
Guilliams, John R.....	1911..1313-20 Ashland Block.....	Chicago
Gulick, Joseph P.....	1911..11 Main Street.....	Chicago
Gullett, James Wilson....	1909..620 Jackson Street.....	Springfield
Gumbart, Conrad G.....	1911.....	Macomb
Gunn, Walter T.....	1909..419 Temple Building.....	Danville
Gurley, W. W.....	1908..914 Marquette Building.....	Chicago
Hacker, N. W.....	1892..206 Broadway.....	New York
Hackett, Le Roy.....	1910..1603 Ashland Block.....	Chicago
Hadley, W. E.....	1910.....	Edwardsville
Haft, Charles M.....	1909..1102-58 West Randolph St.....	Chicago
Hagan, Henry M.....	1903..1240 Marquette Building.....	Chicago
Hainline Andrew L.....	1911.....	Macomb
Halbert, Wm. U.....	1911.....	Belleville

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Hale, Wm. G.....	1911..	Law Dept. Univ. of Illinois....	Urbana
Hales, Earl C.....	1909..	605 Association Building.....	Chicago
Hale, William B.....	1908.....		Monmouth
Hall, Arthur R.....	1911.....		Danville
Hall, Ross C.....	1903..		
Hall, H. R.....	1909..	Booth Building.....	Springfield
Hallam, S. S.....	1907.....		Monmouth
Hamill, Charles H.....	1898..	1400 Ft. Dearborn Building...	Chicago
Hamill, Fred B.....	1911.....		Champaign
Hamill, James M.....	1887..	West Block.....	Belleville
Hamilton, Isaac Miller...	1892..	1314 Marquette Building.....	Chicago
Hamilton, Chas. E.....	1910.....		Carbondale
Hamilton, E. Bentley...	1909..	1214 Fisher Building.....	Chicago
Hampton, Eugene I.....	1910.....		Macomb
Hand, Fred H.....	1901.....		Cambridge
Hanecy, Elbridge.....	1879..	1222 First Nat'l Bank Bldg...	Chicago
Hanley, John H.....	1907..	Pillsbury Block.....	Monmouth
Harding, Charles F.....	1898..	818 Home Insurance Bldg....	Chicago
Harker, Oliver A.....	1891..	University of Illinois.....	Urbana
Harkin, Daniel V.....	1910..	512 Roanoke Bldg.....	Chicago
Harlan, John Maynard...	1898..	1132 Marquette Building.....	Chicago
Harmon, Charles S.....	1896..	1205 First Nat'l Bank Bldg...	Chicago
Harper, Francis A.....	1909..	512 Roanoke Building.....	Chicago
Harper, Sam A.....	1911..	714 No. 8 South Dearborn St..	Chicago
Harpham, Edwin L.....	1898..	1506 Fort Dearborn Bldg.....	Chicago
Harrah, R. C.....	1911.....		Effingham
Harris, A. G.....	1907.....		Dixon
Harris, Charles S.....	1896..	Carr Building.....	Galesburg
Harris, Madison R.....	1911..	716 Reaper Block.....	Chicago
Harris, Paul P.....	1908..	1317 Unity Building.....	Chicago
Harris, Thomas M.....	1908..	225 Tenth Street.....	Lincoln
Harris, John F.....	1909..	1103 Ashland Block.....	Chicago
Harrold, James P.....	1903..	304 The Temple.....	Chicago
Hart, Edgar R.....	1911..	City Hall.....	Chicago
Hart, Louis E.....	1911..	1301 Borland Bldg.....	Chicago
Hart, W. H.....	1911.....		Benton
Hartray, William C.....	1908..	315-179 W. Washington St....	Chicago
Hartzell, William H.....	1907.....		Carthage
Hatch, F. L.....	1907..	Court House.....	Springfield
Hauxhurst, Ralph R.....	1911..	184 La Salle Street.....	Chicago
Hauze, William R.....	1896..	42-54 West Randolph St.....	Chicago
Harvard, Charles Henry..	1902..	1310 Title & Trust Bldg.....	Chicago
Haven, Dwight C.....	1896..	Judge County Court.....	Joliet

Hay, Logan.....	1898..	309 South Sixth Street....	Springfield
Hayes, Howard W.....	1908..	950 Com. Nat'l Bank Bldg....	Chicago
Hayes, John B.....	1911.....	.....	Rochelle
Haynie, William Duff....	1906..	915 Merch. Loan & Tr. Bldg...	Chicago
Healey, Thomas J.....	1909..	1322 First Nat'l Bank Bldg...	Chicago
Healy, John J.....	1898..	1228-29 South La Salle St....	Chicago
Healey, Edward B.....	1910..	49 Metropolitan Block.....	Chicago
Heard, Oscar E.....	1910..	Court House.....	Freeport
Hebard, Frederick S....	1892..	Rector Building.....	Chicago
Hebel, D. A.....	1909.....	.....	Aledo
Heckman, Wallace.....	1891..	56-106 North La Salle St....	Chicago
Heinfelden, Curt H. G....	1911.....	.....	E. St. Louis
Helmer, Frank A.....	1890..	1003 6 North Clark Street....	Chicago
Hempstead, Harry G.....	1910..	6 E. Main Street.....	St. Charles
Henning, Robert.....	1904.....	.....	Fairbury
Hendryx, C. D.....	1907..	330 E. Main Street.....	Galesburg
Herbert, John M.....	1891.....	.....	Murphysboro
Herr, H. L.....	1911.....	.....	Galena
Herrick, John J.....	1892..	1800 Com. Nat'l Bank Bldg...	Chicago
Herrick, Walter D.....	1909..	1138 Nat'l Life Building.....	Chicago
Herrick, Lot R.....	1908.....	.....	Farmer City
Herrington, Benj. F.....	1908.....	.....	Yorkville
Hess, Franklin.....	1910..	606 South Michigan Ave.....	Chicago
Hess, George W.....	1898..	81 Metropolitan Block.....	Chicago
Hester, A. M.....	1911.....	.....	Colfax
Heyman, Alexander H....	1908..	1220 First Nat'l Bank Bldg...	Chicago
Hickman, G. A.....	1910.....	.....	Benton
Hickman, Robert E.....	1911.....	.....	Benton
Hicks, H. S.....	1910..	307 Trust Building.....	Rockford
Hicks, James.....	1903.....	.....	Monticello
Higbee, Harry.....	1879.....	.....	Pittsfield
Higenbotham, H. M.....	1911..	1200 First Nat'l Bank Bldg...	Chicago
High, Shirley T.....	1903..	410 Portland Block.....	Chicago
Hill, Fred C.....	1908.....	.....	Clinton
Hill, John W.....	1905..	1462-64 Monadnock Block....	Chicago
Hill, Lysander.....	1896..	1463 Monadnock Block.....	Chicago
Hillis, Frank N.....	1908..	614-118 North La Salle St....	Chicago
Hills, Edward R.....	1907..	1212 Rector Building.....	Chicago
Hills, George P.....	1904..	131 West Main Street.....	Ottawa
Hillskotter, J. E.....	1910.....	.....	Edwardsville
Hinebaugh, W. H.....	1908..	Court House.....	Ottawa
Hirtzel, Cora B.....	1898..	1210 Hartford Bldg.....	Chicago
Hitch, Marcus.....	1908..	901 Title & Trust.....	Chicago

Hitt, Rector C.....	1911..	Maloney Building.....	Ottawa
Hoff, Alonzo.....	1896..	Farmers' Nat'l Bank Bldg.....	Springfield
Hogan, John E.....	1905..	First Nat'l Bank Bldg.....	Taylorville
Hogan, Daniel, Jr.....	1909..	Vermillion Street.....	Danville
Holcomb, Herbert W.....	1908..	1408 Title & Trust Bldg.....	Chicago
Holden, Walter S.....	1910..	1110 Title & Trust Bldg.....	Chicago
Holdom, Jesse.....	1891..	534 First Nat'l Bank Bldg.....	Chicago
Holmes, Ralph B.....	1909..	56 Baum Building.....	Danville
Holmes, W. S.....	1908.....	.....	Effingham
Holland, John E.....	1910..	1215 First Nat'l Bank Bldg....	Chicago
Holly, W. H.....	1910..	1202 Ashland Block.....	Chicago
Hollerich, C. N.....	1907.....	.....	Spring Valley
Hood, John D.....	1896..	1727 Com. Nat'l Bank Bldg....	Chicago
Hoag, Parker H.....	1909..	1305 Fisher Bldg.....	Chicago
Hopkins, Jacob H.....	1908..	Judge Municipal Court.....	Chicago
Horner, Henry Clay.....	1898.....	.....	Chester
Horner, Henry.....	1910..	817-23 Stock Exchange Bldg..	Chicago
Horton, Oliver H.....	1887..	1610 Corn Ex. Bank Bldg.....	Chicago
Horton, Walter S.....	1911..	Room 810 No. 1 Park Row....	Chicago
Houlihan, Francis J.....	1911..	Rector Bldg.....	Chicago
Housum, Hugh W.....	1909..	Millikin Building.....	Decatur
Howe, Samuel J.....	1904..	1502-3 Ft. Dearborn Bldg....	Chicago
Hoyne, Maclay.....	1910..	511 City Hall.....	Chicago
Hoyne, Thomas M.....	1896..	1007 Stock Ex. Bldg.....	Chicago
Hubbard, S. A.....	1901..	Stern's Building.....	Quincy
Huey, Clinton M.....	1907.....	.....	Monmouth
Huff, Thomas D.....	1904..	832-36 Stock Ex. Bldg.....	Chicago
Hughes, Charles.....	1908..	801-89 W. Randolph St.....	Chicago
Hughes, Clarence W.....	1907..	Nat'l Bank Bldg.....	Mattoon
Hulbert, Alfred Roy.....	1910..	826 Federal Bldg.....	Chicago
Hull, Horace.....	1896..	Court House.....	Ottawa
Humbug, A. P.....	1902..	1 Park Row.....	Chicago
Hummeland, Andrew.....	1908..	401-58 W. Washington St....	Chicago
Hummer, John S.....	1910..	701 Title & Trust Bldg.....	Chicago
Humphrey, Robert.....	1911.....	.....	Lincoln
Humphrey, Wallace G.....	1911.....	.....	Hamilton
Humphrey, Wirt E.....	1905..	1311 Ashland Block.....	Chicago
Hungate, John H.....	1907.....	.....	La Harpe
Hunt, R. C.....	1907.....	.....	Galesburg
Hunter, J. T.....	1909..	542 Woolner Bldg.....	Peoria
Hunter, Joseph A.....	1907..	First Nat'l Bank Bldg.....	Chicago
Hunter, William R.....	1897.....	.....	Kankakee
Hurst, Elmore W.....	1907.....	.....	Rock Island

Huss, Matthew J.....	1906..	900 Boyce Bldg.....	Chicago
Huston, George W.....	1908..	102 Washington Street.....	Morris
Huszagh, Rudolph D.....	1904..	712-32 N. Clark Street.....	Chicago
Hyde, James W.....	1902..	1315 First Nat'l Bank Bldg...	Chicago
Hyer, Stanton A.....	1910..	Masonic Temple.....	Rockford
Hyger, Edw. M.....	1911..	215 Jackson Blvd.....	Chicago
Ickes, Harold L.....	1910..	1709 Harris Trust Bldg.....	Chicago
Iles, Robert S.....	1899..	1302 Rector Bldg.....	Chicago
Inngerich, C. R.....	1911.....	.....	Champaign
Ingram, John J.....	1908..	201 Peoples Nat'l Bk. Bldg..	Rock Island
Innes, Alexander J.....	1908..	1124-72 W. Adams Streets...	Chicago
Irwin, C. F.....	1910..	18 Chicago Street.....	Elgin
Irwin, Harry D.....	1911..	Stock Ex. Bldg.....	Chicago
Irwin, Samuel P.....	1911..	Corn Belt Bank Bldg.....	Bloomington
Irwin, William T.....	1894..	Y. M. C. A. Building.....	Peoria
Irwin, Edward F.....	1909..	205½ South Fifth Street...	Springfield
Ivins, W. C.....	1907.....	.....	Stronghurst
Jack, Thomas B.....	1910..	Millikin Building.....	Decatur
Jack, William.....	1888..	Y. M. C. A. Building.....	Peoria
Jack, Robert P.....	1909..	Y. M. C. A. Building.....	Peoria
Jackson, Samuel W.....	1896..	607-179 W. Washington St...	Chicago
Jackson, David H.....	1909..	1206 Tribune Bldg.....	Chicago
Jacobs, Laurence B.....	1909..	826 Federal Building.....	Chicago
Jacobs, Walter H.....	1910..	1400 First Nat'l Bank Bldg...	Chicago
Jamieson, Stillman B....	1902..	1506 Ashland Block.....	Chicago
Janiszeski, Frank H....	1906..	607-179 W. Washington St...	Chicago
Jarrett, D. I.....	1911..	1509 Ashland Block.....	Chicago
Jarrett, Thomas L.....	1911.....	.....	Springfield
Jarvis, William B.....	1908..	304 Straus Bldg.....	Chicago
Jefferson, Carl A.....	1910..	1335 Ry. Ex. Bldg.....	Chicago
Jenkins, George R.....	1898..	Ft. Dearborn Bldg.....	Chicago
Jenks, A. B.....	1898..	733-39 Stock Ex. Bldg.....	Chicago
Jennings, John Eden....	1911.....	.....	Sullivan
Jett, Thomas M.....	1897.....	.....	Hillsboro
Jetzinger, David.....	1909..	1612 Ashland Block.....	Chicago
Jewell, W. R., Jr.....	1908..	Daniel Bldg.....	Danville
Jochem, George J.....	1907..	424-5 Woolner Building.....	Peoria
Johnson, Clyde P.....	1911.....	.....	Carthage
Johnson, William H....	1896..	129 N. Wabash Ave.....	Chicago
Johnston, Frank, Jr....	1904..	City Hall.....	Chicago
Johnstone, F. B.....	1911..	184 La Salle Street.....	Chicago
Jones, J. A.....	1909.....	.....	Delavon
Jones, Alfred H.....	1906.....	.....	Robinson

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Jones, Charles J.....	1903..	507 Court House.....	Chicago
Jones, Clarence A.....	1905..	Judge Probate Court.....	Springfield
Jones, Horace N.....	1910.....	.....	Batavia
Jones, Frank H.....	1884..	Cont'l & Com. Nat. Bk. Bldg..	Chicago
Jones, Harvey A.....	1907.....	.....	Sycamore
Jones, Leonard H.....	1911.....	.....	Champaign
Jones, Norman L.....	1911.....	.....	Carrollton
Jones, N. M.....	1892..	814 Tacoma Bldg.....	Chicago
Jones, Nicholas R.....	1908.....	.....	Springfield
Jones, Frank W.....	1909..	412 Bridgett Building.....	Danville
Jones, W. Clyde.....	1904..	1610 Ft. Dearborn Bldg.....	Chicago
Joslyn, David R.....	1907.....	.....	Woodstock
Joyce, Maurice V.....	1908..	603 Cahokia Building.....	E. St. Louis
Kagy, Levi M.....	1907.....	.....	Salem
Kales, Albert M.....	1908..	711 Merchants L. & T. Bldg..	Chicago
Kannally, M. V.....	1910..	1620 Ashland Block.....	Chicago
Kaplan, Nathan D.....	1910..	1105 Ashland Block.....	Chicago
Karch, Charles A.....	1910..	205 Portland Avenue.....	Belleville
Karcher, George H.....	1901..	1224 First Nat'l Bank Bldg..	Chicago
Kavanagh, Marcus.....	1909..	Judge Superior Court.....	Chicago
Keefe, Albert J.....	1908..	726 Pine Grove Ave.....	Chicago
Keefe, David E.....	1911.....	.....	E. St. Louis
Keeley, William E.....	1903..	1231 Unity Bldg.....	Chicago
Keehn, Roy D.....	1910..	409 Rector Bldg.....	Chicago
Keeslar, J. W.....	1909..	419 The Temple.....	Danville
Kehoe, John E.....	1910..	1334 First Nat'l Bank Bldg..	Chicago
Kelley, Geo. Thomas.....	1910..	1339 Marquette Bldg.....	Chicago
Kelly, John J. M.....	1910..	935 Marquette Bldg.....	Chicago
Kelley, James J.....	1908..	1001 Title & Trust Bldg.....	Chicago
Kenna, E. D.....	1896..	20 Exchange Place.....	New York City
Kenworthy, J. T.....	1907..	Mitchell & Lynde Bldg....	Rock Island
Keough, W. C. H.....	1903..	1518 Ashland Block.....	Chicago
Kerr, Robert J.....	1911..	189 La Salle Street.....	Chicago
Kerr, Samuel.....	1904..	115 S. La Salle Street.....	Chicago
Kersten, George.....	1908..	Criminal Court Building....	Chicago
Kerz, Paul.....	1911.....	.....	Galena
King, Samuel B.....	1908..	1329 First Nat'l Bank Bldg..	Chicago
King, Christopher.....	1910..	912-715 N. Y. Life Bldg.....	Chicago
Kinsall, D. M.....	1899.....	.....	Shawneetown
Kirk, Walter Hermah...	1909..	423 Masonic Temple.....	Peoria
Kirkland, Lloyd G.....	1903..	1601 Title & Trust Bldg.....	Chicago
Klein, John P.....	1902..	816 Ashland Block.....	Chicago
Kline, Julius R.....	1905..	1418 Ashland Block.....	Chicago

Kline, William M.	1910.	1340-164 Dearborn Street.	Chicago
Knapp, Kemper K.	1896.	700 Com. Nat'l Bank Bldg.	Chicago
Knecht, Samuel E.	1906.	State Bk. of Chi. Trust Dept.	Chicago
Knowles, W. E.	1910.	Old P. D. Bldg.	East St. Louis
Koepeke, Charles A.	1903.	903 Schiller Bldg.	Chicago
Kolb, P. J.	1908.		Mt. Carmel
Kraft, Wm. F.	1911.	First Nat'l Bank Bldg.	Chicago
Kramer, Edward C.	1905.		E. St. Louis
Kramer, Rudolph J.	1911.	Murphy Bldg.	E. St. Louis
Kraus, Adolph.	1892.	1230-48 Tribune Bldg.	Chicago
Kremer, Charles E.	1898.	1506 Ft. Dearborn Bldg.	Chicago
Kretzinger, George W.	1892.	919 Monadnock Block.	Chicago
Kriete, George H.	1910.	1607-9 Ashland Block.	Chicago
Kriete, Frank L.	1908.	1607-9 Ashland Block.	Chicago
Kropf, Oscar A.	1908.	1001 Nat'l Life Bldg.	Chicago
Kuebler, G. E.	1911.	543 The Rookery.	Chicago
Knudson, Charles S.	1911.	716-85 Dearborn St.	Chicago
Kurz, Adolph.	1896.	1104 Rector Bldg.	Chicago
Lackey, George W.	1911.	1303½ State Street.	Lawrenceville
Lambert, M. E.	1908.		Shawneetown
Landon, Benson	1904.	1015-16 Ashland Block.	Chicago
LaBuy, Joseph S.	1910.	167 N. Clark Street.	Chicago
Langworthy, Benj. F.	1908.	1308 Tribune Bldg.	Chicago
Lansden, David S.	1910.	614 Commercial Avenue.	Cairo
Lansden, John M.	1882.		Cairo
Lantry, Thomas B.	1908.	807-809 The Rookery.	Chicago
Lardin, Albert T.	1900.	Judge Probate Court.	Ottawa
Larkin, Robert E.	1911.	Masonic Temple.	Streator
Lasker, Isidore	1905.	828-37 Unity Bldg.	Chicago
Latham, Carl R.	1905.	1104-11 Corn Ex. Bank Bldg.	Chicago
Lathrop, Edward P.	1910.	114 North Church Street.	Rockford
Lathrop, Robert.	1910.	114 North Church Street.	Rockford
Lauher, James K.	1908.		Paris
Lawrence, George A.	1896.		Galesburg
Layman, Jasper.	1911.		Benton
Leach, Thomas A.	1907.	903 Schiller Bldg.	Chicago
Leake, Joseph B.	1898.	810 Reaper Block.	Chicago
Le Bosky, Jacob.	1911.	800 Unity Bldg.	Chicago
Lee, Blewett	1896.	1 Park Row.	Chicago
Lee, Bernard L.	1908.	607-167 W. Washington St.	Chicago
Lee, Edward T.	1905.	209 Portland Block.	Chicago
Lee, John H. S.	1901.	905 First Nat'l Bank Bldg.	Chicago
Leffingwell, Frank P.	1897.	1207 Merchants L. & T. Bldg.	Chicago
Leman, Henry W.	1883.	903-13 Title & Trust Bldg.	Chicago



Lennon, Maurice F.....	1909..320 Barber Bldg.....	Joliet
Levinson, Harry C.....	1908..1016-29 So. La Salle Street....	Chicago
Levinson, Isaac J.....	1900..Woolner Building.....	Peoria
Levy, David R.....	1909..1506 Tribune Bldg.....	Chicago
Levy, Harry H.....	1911..801-25 N. Dearborn St.....	Chicago
Levy, Sylvanus George...	1911..1607 Ft. Dearborn Bldg.....	Chicago
Lewis, A. W.....	1910..114 South Main Street....	Harrisburg
Lewis, J. Hamilton.....	1906..1818 Com. Nat'l Bank Bldg...	Chicago
Lewis, John H., Jr.....	1907..84 S. Cherry Street.....	Galesburg
Lewis, Warren E.....	1907..Farmers' Nat. Bank Bldg...	Springfield
Lillard, John T.....	1883..Griesheim Building.....	Bloomington
Lincoln, Walter K.....	1908..817 First Nat'l Bank Bldg....	Chicago
Lindley, Cicero J.....	1889.....	Greenville
Lindley, Frank .....	1897..Main and Hazel Streets.....	Danville
Lindley, Walter C.....	1907..Daniel Building.....	Danville
Linthicum, C. C.....	1910..715 Monadnock Block.....	Chicago
Lipson,, Isaac B.....	1908..1607 Ft. Dearborn Bldg.....	Chicago
Litzinger, Edward R....	1908..316 Ashland Block.....	Chicago
Locke, Richard F.....	1910..312 W. State Street.....	Rockford
Loesch, Frank J.....	1895..525 The Temple.....	Chicago
Loesch, Charles F.....	1907..525 The Temple.....	Chicago
Long, Jesse R.....	1906..1019-21 Cham. of Com.....	Chicago
Long, Theo. K.....	1908..4823 Kimbark Ave.....	Chicago
Longenecker, R. R.....	1911..725 Chi. Stock Ex. Bldg.....	Chicago
Lord, Frank E.....	1892..813 The Temple.....	Chicago
Loucks, Charles O.....	1911..1212 Tacoma Bldg.....	Chicago
Louden, Walter S.....	1909.....	Trenton
Love, Isaac A.....	1908..County Court.....	Danville
Lovett, Robert H.....	1894.....	Peoria
Lowden, Frank O.....	1896.....	Oregon
Lowe, F. McDonald.....	1908..612 Chamber of Com.....	Chicago
Lowenthal, Fred .....	1911..704 Chi. Opera House Bldg....	Chicago
Lowenthal, S. L.....	1911..704 Chi. Opera House Bldg....	Chicago
Lowe, George N. B.....	1911..1620 Corn Ex. Bank Bldg....	Chicago
Lowy, Charles F.....	1911..437-44 Stock Ex. Bldg.....	Chicago
Lucey, P. J.....	1911..Masonic Temple.....	Streator
Lunsford, Todd .....	1903..40 Borden Block.....	Chicago
Lurie, Harry J.....	1911..69 W. Washington St.....	Chicago
Lynch, John .....	1911.....	Olney
MacChesney, Nathan Wm.	1906..1321-4 Stock Ex. Bldg.....	Chicago
MacFay, Henry .....	1911.....	Mt. Carroll
McGuffin, Paul .....	1907.....	Libertyville
Mack, Julian W.....	1893..Judge U. S. Com. Ct..	Washington D. C.
MacLeish, John E.....	1908..1620 Corn Ex. Bldg.....	Chicago

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Magee, Henry W.....	1897..	803 Fisher Bldg.....	Chicago
Magill, Lawrence M.....	1909..	1119, 15th Street.....	Moline
Maher, James .....	1908..	702 Reaper Block.....	Chicago
Maher, Michael E.....	1910..	1205-10 Unity Bldg.....	Chicago
Maher, Edward .....	1910..	1517-24 Unity Bldg.....	Chicago
Mahon, T. J.....	1908..	701-3 Reaper Block.....	Chicago
Mahoney, Charles L.....	1911..	1607-9 Ashland Block.....	Chicago
Malley, J. E.....	1909..	50 South Cherry Street....	Galesburg
Mains, Frederick .....	1908..	811 Steger Bldg.....	Chicago
Manierre, George W.....	1906..	822 Reaper Block.....	Chicago
Mann, James R.....	1897..	1250 First Nat'l Bank Bldg...	Chicago
Mann, Joseph B.....	1878.....	.....	Danville
Mann, Oliver D.....	1909..	613 The Temple.....	Danville
Manning, William J.....	1898..	R. F. D.....	Naperville
Manny, Walter I.....	1901.....	.....	Mt. Sterling
Mansfield, Charles F.....	1902.....	.....	Monticello
Mansfield, Henry .....	1902..	Woolner Building.....	Peoria
Maple, Joseph W.....	1894..	Woolner Building.....	Peoria
Markley, William S.....	1903.....	.....	Missouri
Marsh, Edwin F.....	1904..	Cont'l & Com. Nat'l Bank...	Chicago
Marsh, J. V. E.....	1908..	205 Plaza Street.....	Alton
Marsh, R. S.....	1911..	States Savings Bank Bldg..	Harrisburg
Marshall, Thos .....	1909..	Asst. States Atty.....	Chicago
Marshall, C. B.....	1909..	1102, 21st Street.....	Rock Island
Marston, Thomas B.....	1896..	901 Tacoma Bldg.....	Chicago
Martin, A. W.....	1903..	707 Tacoma Bldg.....	Chicago
Martin, James H.....	1903.....	.....	Murphysboro
Martin, Robert W.....	1909..	61-62 Young Building.....	Joliet
Martyn, Chauncey W.....	1897..	934-72 W. Adams Street.....	Chicago
Marx, Frederick Z.....	1904..	1310 Title & Trust Bldg.....	Chicago
Mason, Charles T.....	1892..	503 Cham. of Commerce.....	Chicago
Mason, George A.....	1903..	1508 Title & Trust Bldg.....	Chicago
Mason, Roswell B.....	1908..	1105 Marquette Bldg.....	Chicago
Mason, William E.....	1908..	326 The Temple.....	Chicago
Masters, Edgar L.....	1896..	1539 Marquette Bldg.....	Chicago
Masters, Hardin W.....	1891.....	.....	Springfield
Mastin, George C.....	1911..	1104-5 Fisher Bldg.....	Chicago
Matchett, David F.....	1911..	105 W. Monroe St.....	Chicago
Matheny, James H.....	1878..	First National Bank Bldg..	Springfield
Mather, Robert .....	1896..	115 Broadway.....	New York City
Matthews, Ben H.....	1911.....	.....	Pittsfield
Mathews, Francis E.....	1908..	Am. Trust Bldg.....	Chicago
Mathias, Lee D.....	1901..	1034 First Nat'l Bank Bldg...	Chicago

Matz, Rudolph	1903..510 Portland Block.....	Chicago
Mayer, Isaac H.	1896..Am. Trust Bldg.....	Chicago
Mayer, Levy	1896..Am. Trust Bldg.....	Chicago
Mayer, Elias	1910..1633 First Nat'l Bank Bldg.....	Chicago
Mayo, Henry	1879..Post Office.....	Ottawa
Maxwell, Stoy J.	1911.....	Robinson
Maxwell, William W.	1910..Judge Municipal Court.....	Chicago
McBride, J. C.	1893.....	Taylorville
McCabe, E. D.	1909..125 N. Jefferson Ave.....	Chicago
McClellan, James S.	1911..1630 Tribune Bldg.....	Chicago
McClelland, Thomas S.	1891..Metropolitan Block.....	Chicago
McClory, Frederick	1911..85 Dearborn Street.....	Chicago
McConaughy, F. A.	1878..114 N. Main Street.....	E. St. Louis
McCordic, Alfred E.	1898..923 The Rookery.....	Chicago
McCormick, Robert H.	1908..332 So. Michigan Ave.....	Chicago
McCullough, W. G.	1910..122 N. Water Street.....	Decatur
McCulloch, Catherine W.	1891..1104 Merchants L. & T. Bldg..	Chicago
McCulloch, Frank H.	1891..1104 Merchants L. & T. Bldg..	Chicago
McDonald, Chas. A.	1911..710 Title & Trust Bldg.....	Chicago
McDonald, E. S.	1908..5 & 6 Grand Opera House Bldg..	Decatur
McDougall, Duncan	1901..National City Bank Building..	Ottawa
McElvaine, Robert J.	1911.....	Murphysboro
McEniry, William	1907..Mitchell & Lynde Bldg....	Rock Island
McEwen, Willard M.	1902..1630 Tribune Bldg.....	Chicago
McFarland, T. O.	1908.....	Galesburg
McGlynn, Dan	1911.....	E. St. Louis
McGoorty, John P.	1899..628 Reaper Block.....	Chicago
McGovney, Arthur	1908..408 Roanoke Bldg.....	Chicago
McGrath, Shelton F.	1909..Old Library Building.....	Peoria
McGregor, Major	1908..901 Title & Trust Bldg.....	Chicago
McHenry, Wm. C.	1909..1301 Title & Trust Bldg.....	Chicago
McIlvaine, Alan	1901..1406 Marquette Bldg.....	Chicago
McIlvaine, Wm. B.	1911..1605 Marquette Bldg.....	Chicago
McIntyre, George V.	1896..1822 Com. Nat'l Bank Bldg....	Chicago
McKenzie, William D.	1907..700 Com. Nat'l Bank Bldg....	Chicago
McKenna, Philip J.	1910..1329 Stock Ex. Bldg.....	Chicago
McKeown, John A.	1910..1523 Harris Trust Bldg.....	Chicago
McKinney, Hayes	1910..1101 Nat'l Life Bldg.....	Chicago
McIlduff, Robert Speer	1910.....	Pontiac
McInerney, Joseph A.	1910..930 Chi. Opera House Bldg....	Chicago
McLaughlin, Bert E.	1909..1 Mall Building.....	Galesburg
McLaughlin, Charles A.	1907.....	Monmouth
McMahon, Charles C.	1907.....	Fulton

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McMahon, Edmond	.....1904..1224 First Nat'l Bank Bldg...	Chicago
McMath, James C.	.....1903..606 So. Michigan Ave.....	Chicago
McMillen, Clark A.	.....1909..517-18 Milliken Building.....	Decatur
McMurdy, Robert	.....1889..1303 Title & Trust Bldg.....	Chicago
McNabb, Jno M.	.....1909.....	McNabb
McNaughton, Coll.	.....1910..Barber Building.....	Joliet
McQuiston, M. L.	.....1911.....	Paxton
McRoberts, W. G.	.....1909..319 Main Street.....	Peoria
McShane, James C.	.....1896..822 N. Y. Life Bldg.....	Chicago
McSurely, William H.	.....1897..Judge Superior Court.....	Chicago
McWilliams, Paul	.....1905..Judge City Court.....	Litchfield
Meagher, James F.	.....1899..1500 First Nat'l Bank Bldg...	Chicago
Meanor, Anson E.	.....1896..830 Chi. Opera House.....	Chicago
Mecartney, Harry S.	.....1897..714 Roanoke Bldg.....	Chicago
Mecham, John B.	.....1911..Harris Trust Bldg.....	Chicago
Meek, Marcellus W.	.....1906..2242 W. Jackson Blvd.....	Chicago
Meeks, James A.	.....1909..11 The Temple.....	Danville
Mergentheim, Morton A.	.....1910..1447 First Nat'l Bank Bldg...	Chicago
Meese, William A.	.....1910.....	Moline
Merrill, J. H.	.....1910..282 Dearborn Avenue .....	Kankakee
Merrick, George P.	.....1896..1301 Title & Trust Bldg.....	Chicago
Meyer, Abraham	.....1899..Am. Trust Bldg.....	Chicago
Meyer, Carl	.....1893..Am. Trust Bldg.....	Chicago
Meyerstein, Mark	.....1897.....	Whitehall
Michal, Charles J.	.....1910..1016-29 So. La Salle Street...	Chicago
Mies, Frank P.	.....1911..614 Hartford Bldg.....	Chicago
Milchrist, Thomas E.	.....1883..600 Boyce Building.....	Chicago
Miles, Chas. V.	.....1909..Y. M. C. A. Building.....	Peoria
Milkewitch, Isaac	.....1909..200-206 So. La Salle Street...	Chicago
Millar, Robert Wyness.	.....1906..1210 Title & Trust Bldg....	Chicago
Miller, Allen P.	.....1907.....	Toulon
Miller, Amos	.....1885.....	Hillsboro
Miller, Amos C.	.....1904..(Cook Co.) .....	Riverside
Miller, Andrew J.	.....1911.....	Urbana
Miller, Arthur F.	.....1902.....	Clinton
Miller, Benjamin R.	.....1910.....	Libertyville
Miller, Clyde	.....1911..Public Square .....	Belleville
Miller, Frank T.	.....1909.....	Peoria
Miller, George W.	.....1897..1350 First Natl. Bk. Bldg....	Chicago
Miller, Gilbert L.	.....1908..102½ N. Main Street.....	Canton
Miller, Harry M.	.....1911..6 Main Street.....	Champaign
Miller, James O.	.....1910..S. W. Corner Public Square.	Belleville
Miller, Jay D.	.....1897..600 W. Erie Street.....	Chicago

Miller, John S.....	1886..1522	First Natl. Bk. Bldg.....	Chicago
Miller, John D.....	1911.....		Carthage
Miller, Luther L.....	1911..1512-15	Monadnock Bldg.....	Chicago
Miller, Mary E.....	1910..1644	Unity Building.....	Chicago
Miller, Philip T.....	1909..422	Powers Building.....	Decatur
Mills, Allen G.....	1908..532	Monadnock Block.....	Chicago
Mills, Walter H.....	1908..	Millikin Bank Building.....	Decatur
Mills, A. H.....	1910..309	Millikin Building.....	Decatur
Mitchell, Charles H.....	1906..931	Unity Bldg.....	Chicago
Moak, William B.....	1908..1342	Stock Ex. Bldg.....	Chicago
Moffett, Willard.....	1910..605	Association Bldg.....	Chicago
Montgomery, H. H.....	1910.....		Carrollton
Monroe, Earl D.....	1908..213½	S. 5th Street.....	Springfield
Montgomery, John R.....	1896..1913	Harris Trust Bldg.....	Chicago
Moody, W. C.....	1908..407	Association Bldg.....	Chicago
Moore, N. G.....	1896..1605	Marquette Bldg.....	Chicago
Moore, Stephen R.....	1877.....		Kankakee
Moore, W. R.....	1910..Chase Block, 5th Avenue and 15th Streets.....		Moline
Moran, H. C.....	1910.....		Canton
More, Clair E.....	1905..518	Home Ins. Bldg.....	Chicago
More, R. Wilson.....	1908..1201-6	Title & Trust Bldg....	Chicago
Moreland, Armor.....	1907..151	Main Street.....	Galesburg
Moreland, John R.....	1907..151	Main Street.....	Galesburg
Morgan, George.....	1911..30	N. Dearborn St.....	Chicago
Morgan, Geo. P.....	1907..	Murphy Building.....	Aledo
Morgan, George M.....	1908.....		Springfield
Morrill, Donald L.....	1898..1210	Title & Trust Bldg.....	Chicago
Morris, Henry C.....	1905..924	Marquette Bldg.....	Chicago
Morris, Joseph O.....	1902..944	First Natl. Bk. Bldg.....	Chicago
Morrison, C. B.....	1907..934	First Natl. Bk. Bldg.....	Chicago
Morse, Charles F.....	1896..1406	Marquette Bldg.....	Chicago
Morse, Robert C.....	1910..201	North Tremont Street...	Kewanee
Moses, Joseph W.....	1898..650	The Temple.....	Chicago
Moss, William R.....	1906..542	First Natl. Bk. Bldg.....	Chicago
Moulton, Frank I.....	1908..1003-6	N. Clark Street.....	Chicago
Mudge, D. H.....	1910..132½	Main Street.....	Edwardsville
Muhlke, Joseph H.....	1908..405	Portland Block.....	Chicago
Mullen, Timothy F.....	1908..811	The Rookery.....	Chicago
Mulligan, George F.....	1904..816	Ashland Block.....	Chicago
Munger, Edwin A.....	1904..402-35	N. Dearborn St.....	Chicago
Munroe, Charles A.....	1904..	The Rookery.....	Chicago
Munson, Fred W.....	1908..1425	Unity Bldg.....	Chicago

Murphy, John C.....	1893.....	Aurora
Murray, A. G.....	1907..301-302	Unity Building....Springfield
Murray, George W.....	1891..	Judge County Court.....Springfield
Murray, James S.....	1908..1210	Title & Trust Bldg.....Chicago
Murray, P. F.....	1910..816	Ashland Block.....Chicago
Musgrave, Harrison .....	1896..905	First Natl. Bk. Bldg.....Chicago
Myers, C. D.....	1901..	Judge Circuit Court....Bloomington
Neal, Henry A.....	1878..	Johnston Block .....Charleston
Neely, Rufus .....	1911..301	Public Square.....Marion
Neiger, J. J.....	1910..	Farmers National Bk. Bldg..Virginia
Nelson, Harry C.....	1910..905-164	Dearborn Street .....Chicago
Newberger, William S.....	1902..322	Ashland Block .....Chicago
Newcomb, George Eddy..	1897..1944	W. Madison Street.....Chicago
Newey, Frederick J.....	1905..1040	Marquette Bldg.....Chicago
Newman, Jacob .....	1897..823	Cham. of Com.....Chicago
Newton, Charles E. M....	1903..339	W. Lake Street.....Chicago
Niblack, William C.....	1902..69	W. Washington Street....Chicago
Niehaus, John M.....	1894..	Court House .....Peoria
Noleman, Frank F.....	1907.....	Centralia
Noonan, Edward T.....	1899..507-105	So. Dearborn Street...Chicago
Normoyle, D. J.....	1911..609	Marquette Bldg.....Chicago
Northcott, W. A.....	1889..	Farmers' Nat. Bk. Bldg...Springfield
Norton, A. C.....	1904.....	Pontiac
Nortrup, H. R.....	1879.....	Havana
Nortrup, Scott S.....	1911.....	Havana
Obermeyer, Chas. B.....	1911..418-184	La Salle Street.....Chicago
O'Brien, Quin .....	1901..1628	Unity Bldg.....Chicago
O'Bryan, Edward .....	1905..500	N. Y. Life Bldg.....Chicago
O'Connell, Jeremiah B..	1910..317-18	Roanoke Bldg .....Chicago
O'Connor, Andrew J....	1911..	Maloney Bldg .....Ottawa
O'Connor, Charles J....	1908..806	Tribune Bldg .....Chicago
O'Connor, J. James.....	1906..1409	Title & Trust Bldg.....Chicago
O'Connor, John .....	1911..1007	Stock Ex. Bldg.....Chicago
O'Connor, John M.....	1911..1610	Chl. Title & Trust Bldg..Chicago
Octigan, Thomas P.....	1911..416-9	So. La Salle Street....Chicago
O'Donnell, James L.....	1901.....	Joliet
O'Donnell, James V.....	1911..420	Reaper Block .....Chicago
O'Donnell, Joseph A....	1891..17	Metropolitan Block.....Chicago
Offield, C. K.....	1877..1228	Monadnock Block.....Chicago
Ogden, Howard N.....	1897..12-14	E. Erie Street.....Chicago
Ogle, Albert B.....	1911..22	So. Illinois Street.....Chicago
Oglevee, Everett W.....	1909..	State Natl. Bk. Bldg.....Chicago
O'Hair, Frank T.....	1906.....	Paris

O'Hara, Benjamin	1910..711 N. Y. Life Bldg.....	Chicago
O'Harra, Appollos W.	1906.....	Carthage
O'Harra, Ira J.	1907.....	Macomb
O'Keefe, P. J.	1903..1110-12 Ashland Block.....	Chicago
Olin, Benjamin	1892..Clement Building .....	Joliet
Olmstead, L. B.	1911.....	Samonauk
Olson, Albert O.	1908..1400 Title & Trust Bldg.....	Chicago
Olsen, Harry	1897..915 City Hall.....	Chicago
Olson, Jonas W.	1911.....	Galva
Olsen, Olaf E.	1906..1114 Title & Trust Bldg.....	Chicago
O'Meara, C. S.	1908..510 Stock Ex. Bldg.....	Chicago
O'Neill, Hugh	1908..323 Reaper Block.....	Chicago
Orr, Louis T.	1910..607-167 W. Washington St....	Chicago
Orvis, Justin K.	1910.....	Waukegan
Otto, George C.	1910..1524 Marquette Bldg.....	Chicago
Outten, W. C.	1910..122 North Water Street.....	Decatur
Owens, John E.	1903..Judge County Court.....	Chicago
Paden, Joseph E.	1896..1001 Natl. Life Bldg.....	Chicago
Page, George T.	1894..Masonic Temple .....	Peoria
Page, S. S.	1910..1322 First Natl. Bk. Bldg.....	Chicago
Page, Herbert	1908..204 Dearborn Street.....	Chicago
Painter, Lloyd	1908..201 E. Main Street.....	Streator
Palmer, Robertson	1906..205 La Salle Street.....	Chicago
Pam, Hugo	1911..The Rookery .....	Chicago
Pam, Max	1897..859 The Rookery.....	Chicago
Parker, Francis W.	1896..1410 Marquette Bldg.....	Chicago
Parker, Lewis W.	1903..1240 Marquette Bldg.....	Chicago
Parkin, Harry A.	1909..826 Federal Bldg.....	Chicago
Parkinson, Robert H.	1896..1020 Marquette Bldg.....	Chicago
Patterson, John C.	1898..828 Reaper Block.....	Chicago
Patton, James W.	1878..514 East Adams Street....	Springfield
Patton, William L.	1902..514 East Adams Street....	Springfield
Payne, John Barton	1890..1400 First Natl. Bk. Bldg....	Chicago
Peabody, Augustus S.	1903..Borland Bldg .....	Chicago
Peaks, George H.	1903..1701 Borland Bldg .....	Chicago
Pearson, Haynie R.	1897..1301 Association Bldg.....	Chicago
Pearsons, H. P.	1911..1602-181 La Salle St.....	Chicago
Pease, Warren	1909..901-89 W. Randolph Street....	Chicago
Pebbles, Henry R.	1911..1538 Tribune Bldg.....	Chicago
Peck, Ralph L.	1910..1414 Am. Trust Bldg.....	Chicago
Peck, George R.	1897..1335 Ry. Ex. Bldg.....	Chicago
Peak, Burton F.	1904.....	Moline
Pebbles, Jesse	1910.....	Carlinville

Pendarvis, Robert E.	1905..58	Borden Block	Chicago
Pendleton, Carleton	1911..1201-135	Adams St.	Chicago
Penick, Frank J.	1909..28-30	Stern Building	Quincy
Pennywitt, Don P.	1910		Macomb
Penwell, Fred B.	1908..305	Daniel Building	Danville
Perlmann, Israel B.	1911..1105	Ashland Block	Chicago
Perrin, Frank	1909..Court House		Belleville
Perry, Albert J.	1907..First Natl. Bank Bldg.		Chicago
Persons, Perry L.	1911..County Bldg		Waukegan
Peterson, James A.	1891..1313	Chamber of Com.	Chicago
Petit, Adelor J.	1909..Judge Circuit Court		Chicago
Pettibone, Robert F.	1904..1402	Ashland Block	Chicago
Pflaum, A. J.	1903..1038	Stock Ex. Bldg.	Chicago
Phelps, Delos P.	1911..1107	Ashland Block	Chicago
Philbrick, Solon	1896		Champaign
Phillips, A. L.	1903		Gibson City
Phillips, Isaac N.	1895..Belt Building		Bloomington
Phillips, W. S.	1903		Ridgeway
Pickett, Charles C.	1901		Champaign
Pierce, James H.	1911..1431	Marquette Bldg.	Chicago
Pillow, George W.	1911		Marion
Pinckney, Merritt W.	1904..Judge Circuit Court		Chicago
Pindell, William M.	1902..510	Title & Trust Bldg.	Chicago
Pingrey, Darius H.	1894..Eddy Building		Bloomington
Piotrowski, N. L.	1905..602	City Hall	Chicago
Plain, Frank G.	1908..350	Coulter Block	Aurora
Platt, Henry Russell	1907..Am. Trust Bldg.		Chicago
Ploeg, Herman Vander	1904..84	La Salle Street	Chicago
Pollack, Sidney S.	1911..1524	First Natl. Bk. Bldg.	Chicago
Pomeroy, Frederick A.	1902..512	Ashland Block	Chicago
Pomeroy, H. Sterling	1907		Kewanee
Poppenhusen, Conrad H.	1898..1103-69	W. Washington St.	Chicago
Post, Philip S.	1896..606	So. Michigan Ave.	Chicago
Potter, Frank H. T.	1904..1245	Peoples Gas Bldg.	Chicago
Potter, W. O.	1911..301	Public Square	Marion
Potts, Cuthbert	1911..1531-6	Unity Bldg	Chicago
Potts, Joshua R. H.	1907..1112	Hartford Bldg.	Chicago
Potts, William A.	1901		Pekin
Pound, Roscoe	1908..Uni. of Chicago		Chicago
Powers, J. W.	1911		Pekin
Powers, Millard R.	1908..1308	Borland Bldg.	Chicago
Pratt, G. E. M.	1906..1336	McCormick Bldg.	Chicago



Prentice, E. Parmalee	1896	35 Wall Street	New York
Prentice, H. B.	1881		Kenilworth
Prentiss, William	1892	1201 Ashland Block	Chicago
Prescott, William	1905	Title & Trust Bldg.	Chicago
Prettyman, Wm. S.	1911		Pekin
Price, Henry W.	1903	604 Ft. Dearborn Bldg.	Chicago
Priest, James O.	1895		Jacksonville
Prindiville, Thomas W.	1910	806-9-6 N. Clark Street	Chicago
Prindiville, John K.	1910	806-9-6 N. Clark Street	Chicago
Pringle, Frederick W.	1906	808 Merchants' L. & T Bldg.	Chicago
Pringle, William J.	1906	723 The Temple	Chicago
Provine, Walter M.	1905		Taylorville
Provine, William M.	1879		Taylorville
Prussing, Eugene E.	1885	1034 The Rookery	Chicago
Purcell, William A.	1892	429 Am. Express Bldg.	Chicago
Puterbaugh, Leslie D.	1898	Judge Circuit Court	Peoria
Putnam, Ralph C.	1910	210 Mercantile Block	Aurora
Quinn, Frank J.	1909	Old Library Building	Peoria
Quitman, Walter	1910	307 Ashland Block	Chicago
Radley, R. H.	1911	907 Jefferson Bldg.	Peoria
Raftree, M. L.	1896	503 Title & Trust Bldg.	Chicago
Rahn, J. M.	1901		Pekin
Rainey, Henry T.	1901		Carrollton
Ramsey, George P.	1911		Mt. Carmel
Rankin, Ode L.	1911	1019 Ashland Block	Chicago
Rathbone, Henry R.	1910	1309 Title & Trust Bldg.	Chicago
Rausch, J. W.	1908	121½ Washington Street	Morris
Rawlins, Edw. W.	1911	940 The Rookery	Chicago
Ray, J. L.	1911		Champaign
Rayburn, Calvin	1885	Hanna Building	Bloomington
Raymond, C. W.	1891		Muskogee, Oklahoma
Rea, John J.	1911	Burres Bldg.	Urbana
Reardon, Cornelius	1907		Morris
Reardon, William J.	1907		Pekin
Rearick, George F.	1909	511 The Temple	Danville
Rector, Edward	1902	1901 McCormick Bldg.	Chicago
Redfield, Robert	1906	1310-14 Stock Ex. Bldg.	Chicago
Reed, Frank F.	1892	839 Peoples Gas Bldg.	Chicago
Reed, Herbert H.	1910	1034 The Rookery	Chicago
Reed, John P.	1911	1400 Title & Trust Bldg.	Chicago
Reed, William L.	1911	1522 Harris Trust Bldg.	Chicago
Reeve, John J.	1908	Morrison Block	Jacksonville
Reid, Frank R.	1906	1848 Com. Natl. Bk. Bldg.	Chicago

Remy, Victor A.....	1910..606 So. Michigan Ave.....	Chicago
Rennick, James H.....	1908.....	Toulon
Rew, Robert .....	1910..Thrd Nat. Bank Building...	Rockford
Rhoads, George B.....	1908.....	Shelbyville
Rhodes, Carey W.....	1909..Am. Trust Bldg.....	Chicago
Rice, Cyrus W.....	1904.....	Grand Rapids, Michigan
Rice, Robert Clifford.....	1907..Court House .....	Galesburg
Rich, A. R.....	1911.....	Washington
Richards, John T.....	1908..1124 Com. Natl. Bk. Bldg.....	Chicago
Richards, Robert W.....	1910..525 The Temple.....	Chicago
Richardson, John .....	1910..1222 First Natl. Bk. Bldg.....	Chicago
Richardson, J. A.....	1904..Chi. Title & Trust Bldg.....	Chicago
Richberg, Donald R.....	1905..1303 Rector Bldg.....	Chicago
Richberg, John C.....	1887..1303 Rector Bldg.....	Chicago
Richmond, Carl A.....	1908..1531-5 Marquette Bldg.....	Chicago
Richmond, E. D.....	1911.....	Lacon
Richolson, Benjamin F.....	1898..1202 Rector Bldg.....	Chicago
Rickcords, F. Stanley.....	1910..703 Title & Trust Bldg.....	Chicago
Rickelman, Harry J.....	1910.....	Effingham
Riddle, Earl D.....	1911.....	Le Roy
Rider, George C.....	1897.....	Pekin
Riggs, James M.....	1877.....	Winchester
Riley, Harrison B.....	1904..69 W. Washington Street.....	Chicago
Riley, Walter B.....	1911.....	Champaign
Rinaker, John I.....	1878..Rinaker Building .....	Carlinville
Ritchie, William .....	1898..623 Reaper Block .....	Chicago
Ritter, Henry A.....	1896..226 La Salle Street.....	Chicago
Roberts, Ellen Gertrude.....	1902..1014 Bowen Ave.....	Chicago
Roberts, Jesse E.....	1898..1109 Title & Trust Bldg.....	Chicago
Robinson, Edw. S.....	1911..226 So. 6th Street.....	Springfield
Robinson, R. D.....	1907..84 S. Cherry Street.....	Galesburg
Robinson, Rufus T.....	1907.....	Oquawka
Rockhold, F. A.....	1910..1431-36 Unity Bldg.....	Chicago
Roe, William .....	1910.....	Ladd
Roedel, Charles K.....	1910.....	Shawneetown
Roedel, Carl .....	1887.....	Shawneetown
Rodenberg, A. D.....	1907.....	Centralia
Rogers, Edward S.....	1896..839 Peoples Gas Bldg.....	Chicago
Rogers, Elmer E.....	1900..1544 Unity Bldg .....	Chicago
Rogers, George Mills.....	1896..1310 Title & Trust Bldg.....	Chicago
Rogers, Robert M.....	1898..Trinity Building .....	New York City
Rogers, Rowland T.....	1906..4061 Sheridan Road.....	Chicago

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Rogan, William A.....	1910..1222	First Natl. Bk. Bldg.....	Chicago
Rolf, A. A.....	1910..210-9	So. La Salle Street.....	Chicago
Rooney, John J.....	1902..	Judge Municipal Court.....	Chicago
Rooney, Thomas E.....	1903..1040-48	Tribune Bldg.....	Chicago
Rose, Charles G.....	1911..1109-134	Monroe St.....	Chicago
Rose, John A.....	1909..1510	Title & Trust Bldg.....	Chicago
Rosenbaum, Menz I.....	1908..1616	Tribune Bldg.....	Chicago
Rosenthal, James .....	1896..1104	Rector Bldg.....	Chicago
Rosenthal, Lessing .....	1892..1700	Ft. Dearborn Bldg.....	Chicago
Rose, Albert M.....	1910.....		Louisville
Ross, Walter W.....	1910..901-2	Borland Bldg. ....	Chicago
Ross, David .....	1896.....		Kalispell, Montana
Rothman, William .....	1903..1340	First Natl. Bk. Bldg.....	Chicago
Rothschild, Jacob .....	1904..62-106	N. La Salle Street.....	Chicago
Rowe, Frederick A.....	1907..609	The Temple.....	Chicago
Rowland, R. S.....	1910..	First National Bank Building..	Olney
Rubens, Harry .....	1907..1430	Corn Ex. Bk. Bldg.....	Chicago
Rundall, Chas. O.....	1911..1620	Corn Ex. Bk. Bldg.....	Chicago
Rush, G. Fred.....	1908..1110	Title & Trust Bldg.....	Chicago
Russell, John A.....	1907..59	Clark Street.....	Chicago
Russell, R. L.....	1907.....		Princeton
Ryan, Andrew J.....	1897..721-23	First Natl. Bk. Bldg...	Chicago
Ryan, Joseph D.....	1910..1318	Ashland Block.....	Chicago
Ryden, Otto G.....	1911..614	Hartford Bldg.....	Chicago
Ryder, N. L.....	1911.....		Edwardsville
Sass, Frederick .....	1910..1414	Ft. Dearborn Bldg.....	Chicago
Sabath, A. J.....	1910..1016-29	So. La Salle Street...	Chicago
Sabath, Joseph .....	1908..	Judge Municipal Court.....	Chicago
Safford, Henry B.....	1906.....		Monmouth
Safford, William H.....	1906..810-25	N. Dearborn Street...	Chicago
Salisbury, F. L.....	1896..610-17	N. La Salle Street....	Chicago
Salzenstein, Albert .....	1901..125	South Fifth Street...	Springfield
Sampson, W. Edgar.....	1908..	Sixth & Washington Sts...	Springfield
Samuels, Benj. John.....	1908..1322-26	Tribune Bldg.....	Chicago
Sauter, Lewis Edward.....	1910..1316-20	Stock Ex. Bldg.....	Chicago
Savage, John H.....	1911..406	Cutting Bldg. ....	Joliet
Savage, Manford .....	1911.....		Champaign
Sawyer, Carlos P.....	1908..1001	Title & Trust Bldg.....	Chicago
Sawyer, Ward B.....	1906..657	First Natl. Bk. Bldg.....	Chicago
Scanlan, Kickham .....	1896..	Judge Circuit Court.....	Chicago
Schaefer, Martin W.....	1898.....		Belleville
Schaefer, Peter P.....	1911..13	Main Street.....	Champaign
Schafer, Frank B.....	1907.....		El Paso

Schaffner, Arthur B.	1900..1424	Harris Trust Bldg.	Chicago
Schlesinger, Elmer	1910.	Am. Trust Bldg.	Chicago
Schmiedeskamp, H. E.	1911.		Quincy
Schneider, Walter C.	1911..21	Arcade Bldg.	Kankakee
Schoenmann, Charles S.	1905..1318	Hartford Bldg.	Chicago
Scholfeld, W. B.	1902.		Marshall
Schroll, Charles E.	1910..703-4	Millikin Building.	Decatur
Schumacher, Bowen W.	1907..410	Portland Block.	Chicago
Schumacher, H. T.	1911..37	Nell Street.	Champaign
Schuwerk, Wm. M.	1911.		Evansville
Scofield, Charles J.	1907.		Carthage
Scofield, T. J.	1908..525	The Temple.	Chicago
Scott, Frank H.	1892..1620	Corn Ex. Bk. Bldg.	Chicago
Scovel, Jno. C.	1910..1402	Hartford Bldg.	Chicago
Scully, John C.	1909..427	Masonic Temple.	Peoria
Searcy, James B.	1890.		Carlinville
Searle, Charles J.	1907.		Rock Island
Sears, Nathaniel C.	1896..1500	First Natl Bk. Bldg.	Chicago
Sedgwick, James H.	1894..Grimes	Building	Peoria
Seeber, William P.	1910.		Benton
Sentz, Channing L.	1910..1548	First Natl. Bk. Bldg.	Chicago
Sexton, Wm. H.	1911..Stock	Ex. Bldg.	Chicago
Seymour, E. M.	1902..420	Ashland Block.	Chicago
Seyster, J. C.	1911.		Oregon
Shabad, Henry M.	1908..801	Reaper Block.	Chicago
Shannon, Angus Roy.	1906..607	Portland Block	Chicago
Shaffner, B. M.	1897..1410	Ashland Block.	Chicago
Shaw, Ralph M.	1905..1400	First Natl. Bk. Bldg.	Chicago
Shaw, Warwick A.	1903..1608	Ft. Dearborn Bldg.	Chicago
Shay, Arthur H.	1910..401	E. Main Street.	Streator
Sheean, Henry D.	1910..940	The Rookery.	Chicago
Sheean, David	1907.		Galena
Sheean, James M.	1897..940	The Rookery.	Chicago
Sheean, Thomas J.	1908.		Galena
Sheen, Dan R.	1894..Y. M. C. A.	Building.	Peoria
Shelley, Lafayette	1906.		Decatur
Shepard, Frank L.	1908..626	The Temple.	Chicago
Shepard, Stuart G.	1898..1306	Tribune Bldg.	Chicago
Sheridan, Thomas F.	1898..1531-5	Marquette Bldg.	Chicago
Sheriff, Andrew R.	1901..925	The Rookery.	Chicago
Sherlock, John J.	1909..1106	Fisher Bldg.	Chicago
Sherman, Bernis W.	1896..City	Atty's Office.	Chicago
Sherman, Elijah B.	1877..508	Federal Bldg.	Chicago

Sherman, Rogers .....	1904..	518 Home Ins. Bldg.....	Chicago
Shirley, Robert B.....	1898.....		Carlinville
Shirer, Seward S.....	1910..	826 Federal Bldg.....	Chicago
Shrimski, Israel .....	1910..	1630 Tribune Bldg.....	Chicago
Shortall, John L.....	1898..	601 Title & Trust Bldg.....	Chicago
Shumway, George .....	1905..	Mail Building .....	Galesburg
Sidley, William P.....	1903..	1007 Tacoma Bldg.....	Chicago
Silber, Clarence J.....	1911..	1021-23 Home Ins. Bldg.....	Chicago
Silber, Frederick D.....	1906..	1023 Home Ins. Bldg.....	Chicago
Silsbee, Fred B.....	1899.....		Galesburg
Simons, Henry C.....	1911.....		Virden
Simmons, Rufus S.....	1903.....		Aurora
Sims, Edwin W.....	1903..	826 Federal Bldg.....	Chicago
Skipper, Logan B.....	1910..	826 Federal Bldg.....	Chicago
Slater, Robert J.....	1905..	212 East Broadway Street...	Centrallia
Slusser, Mazzini .....	1911.....		Wheaton
Smejkal, Edward J.....	1903..	720 Reaper Block.....	Chicago
Smietanka, Julius .....	1908..	901-89 W. Randolph St.....	Chicago
Smith, Blake C.....	1911..	1217 Ashland Block.....	Chicago
Smith, Ben M.....	1908..	Judge Appellate Court .....	Chicago
Smith, Herman B.....	1911.....		Morris
Smith, Jay P.....	1911..	Tacoma Bldg. ....	Chicago
Smith, June C.....	1907.....		Centrallia
Smith, Pliny B.....	1903.....		Centrallia
Smith, W. T.....	1907..	Marquette Bldg. ....	Chicago
Smith, Frank C.....	1910..	320 Missouri Avenue...	East St. Louis
Smith, Fred H.....	1910..	312 W. State Street.....	Rockford
Smith, E. S.....	1910..	114 South Sixth Street....	Springfield
Smith, Charles Everett...	1910..	1st Natl. Bk. Bldg.....	Lincoln
Smoot, Harry E.....	1911..	1520 Ashland Block.....	Chicago
Smyser, Nathan S.....	1908..	1007 Marquette Bldg.....	Chicago
Snell, Truman R.....	1909.....		Staunton
Snow, David B.....	1901..	Armory Block .....	Ottawa
Snow, William C.....	1905..	Title & Trust Bldg.....	Chicago
Sonnenschein, Edward ..	1907..	934-39 Stock Ex. Bldg.....	Chicago
Sonnenschein, Hugo .....	1908..	934-39 Stock Ex. Bldg.....	Chicago
Sonsteby, John J.....	1910..	605 Association Bldg.....	Chicago
Spencer, Charles C.....	1910..	37 Metropolitan Block .....	Chicago
Spiller, W. F.....	1910.....		Benton
Spiller, Ed. M.....	1910..	301 Pub. Square.....	Marion
Splitzer, Sherman C.....	1910..	703 Title & Trust Bldg.....	Chicago
Sprogle, Howard O.....	1903..	610 City Hall.....	Chicago
Spurgin, Wm. G.....	1911.....		Urbana

Stafford, Chas. B.....	1909..	1702 Majestic Theatre Bldg..	Chicago
Starr, Merritt .....	1885..	1522 First Natl. Bk. Bldg....	Chicago
St. Cerney, James P.....	1909..	Arcade Building .....	Pekin
St. John, E. M.....	1910..	Union Natl. Bank Bldg.....	Rockford
Stead, W. H.....	1908.....	.....	Ottawa
Stead, Walter J.....	1911..	726 First Natl. Bk. Bldg.....	Chicago
Stearns, Frederick W....	1910..	200-206 S. La Salle Street....	Chicago
Steele, Percival .....	1898..	1602 Ft. Dearborn Bldg.....	Chicago
Steere, George S.....	1896..	1501 Corn Ex. Bank Bldg.....	Chicago
Stein, Philip .....	1898..	1633 First Natl. Bk. Bldg....	Chicago
Stein, Sidney .....	1911..	1633 First Natl. Bk. Bldg....	Chicago
Stelk, John .....	1909..	728 Reaper Block.....	Chicago
Stern, Henry L.....	1900..	1034 First Natl. Bk. Bldg....	Chicago
Stern, Julius .....	1898..	1020 Home Ins. Bldg.....	Chicago
Stephens, R. Allen.....	1907..	First National Bank Building.	Danville
Stephens, Redmond D....	1909..	1620 Corn Ex. Bk. Bldg.....	Chicago
Steven, James A.....	1910..	814 Tacoma Bldg. ....	Chicago
Stevens, George M.....	1885..	925-17 Stock Ex. Bldg.....	Chicago
Stevens, John S.....	1888..	Y. M. C. A. Building.....	Peoria
Stevens, William B.....	1910..	600 Boyce Bldg.....	Chicago
Stevens, George M., Jr..	1910..	606-7 Ashland Block.....	Chicago
Stevenson, Ralph D.....	1908..	1303 Rector Bldg.....	Chicago
Stewart, R. W.....	1908..	934-72 W. Adams St.....	Chicago
Stillwell, James .....	1910..	525 The Temple.....	Chicago
Stoddard, H. S.....	1910..	600 Federal Bldg.....	Chicago
Stone, Clyde E.....	1908..	Y. M. C. A. Building.....	Peoria
Stratton, Abram B.....	1910..	% Armour & Co., U. S. Yards.	Chicago
Straus, Simeon .....	1908..	302-5 Ashland Block.....	Chicago
Strawn, Lester H.....	1898..	701 La Salle Street.....	Ottawa
Strawn, Silas H.....	1903..	First National Bank Building.	Chicago
Streuber, Joseph P.....	1902..	State & Trust Bank Bldg....	Highland
Strong, Amzi W.....	1908..	1917-20 Harris Trust Bldg....	Chicago
Stuart, Olney B.....	1908..	816 Natl. Life Bldg.....	Chicago
Stubblefield, Arnott .....	1908..	1216 First Natl. Bk. Bldg....	Chicago
Stuttle, Harry C.....	1909.....	.....	Litchfield
Sullivan, Alexander .....	1897..	1511 Ashland Block.....	Chicago
Sullivan, W. H., Jr.....	1907..	110 E. Main Street.....	Galesburg
Sullivan, D. J.....	1910..	Cahokia Building .....	East St. Louis
Summers, Albert T.....	1904.....	.....	Decatur
Summers, Chas. P.....	1908..	502 Farmers' Nat. Bk. Bldg.	Springfield
Sutherland, Thomas J....	1895..	1320 Ft. Dearborn Bldg.....	Chicago
Swan, Thomas W.....	1908..	1201-203 So. Dearborn Street.	Chicago
Swanson, John A.....	1910..	1208 Unity Bldg.....	Chicago

Sweeney, Edward D.....	1907.....	Rock Island
Sweeney, Edward J.....	1911..DeWitt Co. Natl. Bk. Bldg....	Clinton
Swift, Edward C.....	1904..Moloney Building .....	Ottawa
Switzer, Theodore B.....	1907.....	Macomb
Taff, A. E.....	1909..486 Swearinger Building .....	Canton
Taylor, Bernard H.....	1901.....	Canton
Taylor, G. F.....	1911.....	Effingham
Taylor, George H.....	1903..515 Royal Ins. Bldg.....	Chicago
Taylor, Howard S.....	1894..City Hall .....	Chicago
Taylor, James E.....	1908.....	Hennepin
Taylor, James M.....	1878.....	Taylorville
Taylor, Leslie J.....	1906..Union Block .....	Taylorville
Taylor, Thomas, Jr.....	1896..1207-9 First Natl. Bk. Bldg...	Chicago
Taylor, Wm. A.....	1911..576 The Rookery.....	Chicago
Tecklenburg, F. J.....	1908.....	Belleville
Temple, Charles .....	1903.....	Hardin
Tenney, Horace K.....	1895..818 Home Ins. Bldg.....	Chicago
Terry, C. W.....	1910.....	Edwardsville
Thomas, Morris St. Palais.....	1898..306 Portland Block.....	Chicago
Thompson, E. F.....	1903..630 Chi. Opera House Bldg....	Chicago
Thompson, George M.....	1907.....	Bement
Thompson, George W.....	1896.....	Galesburg
Thompson, B. R.....	1910.....	Pontiac
Thompson, Charles M.....	1910..602 N. Y. Life Bldg.....	Chicago
Thompson, William .....	1898..939 Marquette Bldg.....	Chicago
Thompson, Bradford F.....	1909.....	Toulon
Thornton, Charles S.....	1894..704-5 Pullman Bldg.....	Chicago
Tivnen, Bryan H.....	1907..1819 Broadway .....	Mattoon
Tinsman, H. H.....	1910..607-118 N. La Salle Street....	Chicago
Tilton, Robert .....	1910..Court House .....	Jacksonville
Todd, Hiram E.....	1909..539 Woolner Building .....	Peoria
Tolman, Edgar B.....	1892..1310-14 Stock Ex. Bldg.....	Chicago
Topliff, Samuel .....	1911..946 Com. Natl. Bk. Bldg....	Chicago
Torrance, H. E.....	1911.....	Pontiac
Torrison, Oscar M.....	1902..Judge Municipal Court.....	Chicago
Towle, H. S.....	1887..1228 Monadnock Block.....	Chicago
Tracy, Jas. W.....	1909.....	Toluca
Trainor, Charles J.....	1910..506 Ashland Block.....	Chicago
Trainor, John C.....	1910..51-138 N. La Salle Street....	Chicago
Trautman, Wm. E.....	1908..Post Office Building.....	E. St. Louis
Trimble, Cairo A.....	1901.....	Princeton
Trimble, Wilfred K.....	1909.....	Princeton
Tripp, Dwight K.....	1897..Hotel Imperial .....	New York City

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Triska, Joseph F.....	1908..	401-58 W. Washington St.....	Chicago
Troup, Charles .....	1909..	139 N. Vermillion Street.....	Danville
Trude, F. H.....	1896..	910 Hartford Bldg.....	Chicago
Trumbull, Donald S.....	1904..	1501 Corn Exchange Bk. Bldg.....	Chicago
Tunnichiff, George D.....	1907.....		Macomb
Tunnichiff, John J., Jr.....	1907..	86 S. Cherry Street.....	Galesburg
Turner, Chester M.....	1907.....		Cambridge
Tuthill, Richard S.....	1901..	Judge Circuit Court.....	Chicago
Tweed, John W.....	1909..	Broadway .....	Sparta
Tyrrell, John F.....	1909..	1848 Com. Natl. Bk. Bldg.....	Chicago
Underwood, Arthur W.....	1908..	1007 Marquette Bldg.....	Chicago
Underwood, George W.....	1892..	1107 Tacoma Bldg.....	Chicago
Upton, E. L.....	1903..	50 Borden Block.....	Chicago
Urion, Alfred R.....	1908..	137 So. La Salle Street.....	Chicago
Utt, W. H.....	1905..	1718 Harris Trust Bldg.....	Chicago
Vail, Robert P.....	1909..	422 Powers Building.....	Decatur
Valette, Clair D.....	1911..	1204 Majestic Bldg.....	Chicago
Valette, H. F.....	1877..	325 West 10th St.....	Long Beach, Cal.
Vandeveer, William T.....	1878.....		Taylorville
Vannatta, John E.....	1905..	1511-13 Unity Bldg.....	Chicago
VanKirk, Samuel A.....	1911.....		Vienna
Veeder, Henry .....	1911..	76 W. Monroe St.....	Chicago
Velde, Franklin L.....	1907.....		Pekin
Vennema, John .....	1908..	1315-18 First Natl. Bk. Bldg.....	Chicago
Vent, Thomas G.....	1908..	1515 First Natl. Bk. Bldg.....	Chicago
Vickers, Alonzo K.....	1901.....		E. St. Louis
Vickers, Jay F.....	1910..	409 Metropolitan Bldg.....	E. St. Louis
Vincent, William A.....	1880..	627 The Rookery.....	Chicago
Vogel, Charles F.....	1911..	1515 First Natl. Bk.....	Chicago
Voigt, John F.....	1896.....		Mattoon
Vose, Frederic P.....	1904..	1343 Marquette Bldg.....	Chicago
Vose, Lyman B.....	1907..	133 Public Square.....	Macomb
Vroman, Charles E.....	1903..	1206 Marquette Bldg.....	Chicago
Waggoner, Harry M.....	1902..	426 East Jackson Street.....	Macomb
Wait, Horatio L.....	1892..	1206 Chi. Stock Ex. Bldg.....	Chicago
Walker, Charles L.....	1910..	200 Peoples Nat. Bk. Bldg.....	Rock Island
Walker, Edwin K.....	1908..	Judge Municipal Court.....	Chicago
Walker, Francis W.....	1908..	815 Marquette Bldg.....	Chicago
Walker, George R.....	1897..	163 Randolph Street.....	Chicago
Walker, Ransome E.....	1907..	607-118 N. La Salle Street....	Chicago
Wall, George W.....	1877.....		DuQuoin
Wall, John E.....	1909..	Mercantile Building .....	Quincy
Wall, William A.....	1899.....		Mound City



Wallace, E. A.....	1877.....	Havana
Walsh, Martin .....	1908..614-118 N. La Salle Street....	Chicago
Ward, Carlos J.....	1908..814 Tacoma Bldg.....	Chicago
Ward, Henry C.....	1900..Judge County Court.....	Sterling
Warner, Clifford W.....	1907.....	La Harpe
Warnock, W. M.....	1898..108 Hillsboro Avenue....	Edwardsville
Warren, P. B.....	1908.....	Springfield
Washburn, William D....	1892..1201 Title & Trust Bldg.....	Chicago
Wassen, James T.....	1907.....	Galesburg
Waterman, George W....	1904..1007 Ft. Dearborn Bldg.....	Chicago
Waterman, Arba N.....	1910..734 First Natl. Bk. Bldg.....	Chicago
Waters, John E.....	1908..1009 Cham. of Com. Bldg....	Chicago
Watson, Albert .....	1907.....	Mt. Vernon
Watson, Marion .....	1903.....	Arthur
Watson, Robert L.....	1904.....	Aledo
Wayman, John E. W....	1909..Criminal Court Bldg.....	Chicago
Wead, Samuel D.....	1908.....	Peoria
Wean, Frank L.....	1909..434 Monadnock Bldg.....	Chicago
Weart, Garrett V.....	1908..705-25 N. Dearborn Bldg.....	Chicago
Weaver, J. B.....	1911.....	Springfield
Weber, Harry P.....	1910..1639 First Natl. Bk. Bldg....	Chicago
Weber, W. R.....	1910..Penn. Bldg., Public Square..	Belleville
Webb, T. M.....	1908.....	E. St. Louis
Webster, Charles R....	1896..1114 Association Bldg.....	Chicago
Weil, Joseph A.....	1909..415-19 Woolner Building.....	Peoria
Weissenbach, Joseph ...	1908..1630 Tribune Bldg.....	Chicago
Wegg, David S.....	1910..407 Home Ins. Bldg.....	Chicago
Wegg, F. J.....	1911..1610 Corn Ex. Bk. Bldg.....	Chicago
Welch, Wm. S.....	1911..407 Association Bldg.....	Chicago
Wellman, B. J.....	1911..1616 Ashland Block.....	Chicago
Welsh, J. D.....	1896.....	Galesburg
Welsh, J. J.....	1907..20 E. Main Street.....	Galesburg
Welsh, R. K.....	1896.....	Rockford
Welly, Sain .....	1904..The Livingston .....	Bloomington
Wenban, A. C.....	1910..410 Portland Block.....	Chicago
Wentworth, Daniel S....	1911..1400 Title & Trust Bldg.....	Chicago
Werno, Charles .....	1911..42-138 N. La Salle St.....	Chicago
Wertheimer, Benjamin J.	1899..1514-16 Unity Bldg.....	Chicago
West, Roy O.....	1894..1340 First Natl. Bk. Bldg....	Chicago
Wetten, Emil C.....	1903..800 The Temple.....	Chicago
Wheeler, Arthur D.....	1896..1007 Tacoma Bldg.....	Chicago
Wheelock, Wm. W.....	1896..1040 Marquette Bldg.....	Chicago
Whitley, James T.....	1910..513 Millikin Bldg.....	Decatur

Whitley, M. S.....	1911.....	Harrisburg
Whitman, Russell .....	1892..306 Portland Block.....	Chicago
Whitmore, C Frederick..	1910..1321-4 Stock Ex. Bldg.....	Chicago
Whitnel, L. O.....	1909.....	E. St. Louis
Whitney, Max H.....	1906..1400 First Natl. Bk. Bldg.....	Chicago
Whitney, Edward S.....	1910..1500 First Natl. Bk. Bldg.....	Chicago
Wich, Margaret C.....	1908.....	Quincy
Wickett, Frederick H....	1906..1610 Corn Ex. Bk. Bldg.....	Chicago
Wiemers, William F.....	1896..Opera House Block.....	Chicago
Wigmore, John H.....	1911..31 W. Lake Street.....	Chicago
Wiley, Geo. S.....	1907.....	Earlville
Wilkerson, James H....	1896..826 Federal Bldg.....	Chicago
Wilkin, Ralph Horace ...	1905..Supreme Court Library...	Springfield
Wilkins, Frank J.....	1907.....	Pekin
Willard, Monroe L.....	1898..1501 Corn Ex. Bk. Bldg.....	Chicago
Willard, Norman P.....	1891..1400 Title & Trust Bldg.....	Chicago
Williams, Arista B.....	1905..1019-21 Cham. of Com. Bldg..	Chicago
Williams, E. P.....	1882.....	Galesburg
Williams, Guy R.....	1901.....	Havana
Williams, Jno. C.....	1910..1500 Am. Trust Bldg.....	Chicago
Williams, Harris F.....	1910..2023 Harris Trust Bldg.....	Chicago
Williams, W. E.....	1910.....	Pittsfield
Williams, Ednyfed H....	1910..1406 Tribune Bldg.....	Chicago
Williams, W. H.....	1910.....	Benton
Williams, S. Laing.....	1910..826 Federal Bldg.....	Chicago
Williams, Walter W....	1911..So Main Street.....	Benton
Williamson, Thos. ....	1910.....	Edwardsville
Williamson, D. G.....	1903.....	Staunton
Willis, Henry B.....	1897.....	Geneva
Willson, Royal Andrew..	1911..414 First Natl. Bk. Bldg....	Chicago
Wilson, Geo. H.....	1907..46-48 Mercantile Building....	Quincy
Wilson, John B.....	1899..1605 Marquette Bldg.....	Chicago
Wilson, Warren B.....	1902..1912 Harris Trust Bldg.....	Chicago
Wilson, Francis S.....	1910..601-4 Ashland Block.....	Chicago
Wilson, Wm. T.....	1910..232½ West State Street..	Jacksonville
Windes, Thomas G.....	1892..Judge Circuit Court.....	Chicago
Winkelman, Wm.....	1911.....	Belleville
Winters, Andrew L.....	1911..606 Ashland Block.....	Chicago
Wise, Charles E.....	1904..Cahokia Building .....	East St. Louis
Wise, Wm. G.....	1911..501 Title & Trust Bldg.....	Chicago
Wolf, Henry M.....	1898..1501 Corn Ex. Bk. Bldg.....	Chicago
Wombacher, G. F.....	1911.....	Mascoutah
Wood, Benson .....	1877.....	Effingham

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Wood, Cyrus J.....	1902..	Ashland Block .....	Chicago
Wood, Elijah C.....	1908..	218 La Salle Street.....	Chicago
Woods, Charles H.....	1910.....	.....	Carlinville
Woods, W. F.....	1911.....	.....	Champaign
Woodward, Chas. E.....	1911..	Atty. General's Office.....	Springfield
Woolley, Francis J.....	1908..	815-118 N. La Salle St.....	Chicago
Worcester, Theodore.....	1910..	31 South River Street.....	Aurora
Worthington, Thomas ...	1907..	305 W. State Street.....	Jacksonville
Wright, William B.....	1903..	Austin Block .....	Effingham
Wright, William W.....	1892.....	.....	Toulon
Wright, W. W., Jr.....	1909.....	.....	Toulon
Wright, A. B.....	1910..	217 La Salle Street.....	Chicago
Wylie, Oscar H.....	1906.....	.....	Paxton
Yates, Richard .....	1887..	Unity Building .....	Springfield
Young, Geo. Warner.....	1910..	Cutting Building .....	Joliet
Zacharias, Michael C....	1911..	602 City Hall .....	Chicago
Zane, John M.....	1906..	1639 First Natl. Bk. Bldg....	Chicago
Zelsler, Sigmund .....	1890..	First National Bank Building.	Chicago
Zick, Fred .....	1911.....	.....	Polo
Zillman, Christian C. H..	1908..	16 Metropolitan Block.....	Chicago
Zipf, Oscar R.....	1911.....	.....	Freeport
Ziv, Louis .....	1908..	411 Reaper Block.....	Chicago
Zook, David L.....	1897..	Ashland Block .....	Chicago

## MEMBERS DECEASED

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Akins, G. W.....	Nashville
Allen, William J.....	Springfield
Anderson, George A.....	Quincy
Anthony, Elliott .....	Chicago
Argust, A. W.....	Hardin
Arnold, Isaac N.....	Chicago
Augur, Walter W.....	Chicago
Banning, Ephraim .....	Chicago
Barrett, E. E.....	Chicago
Bedford, E. L.....	Galena
Bennett, John I.....	Chicago
Bethea, S. H.....	Chicago
Bigelow, Hiram .....	Galva
Bishop, Robert N.....	Paris
Blanchard, Charles .....	Hennepin
Bond, Lester L.....	Chicago
Bonfield, Joseph F.....	Chicago
Bonney, Charles C.....	Chicago
Booth, Hervey W.....	Chicago
Brace, William .....	Chicago
Brady, John B.....	Chicago
Bradwell, James B.....	Chicago
Branson, N. W.....	Petersburg
Brown, William .....	Jacksonville
Browning, Orville H.....	Quincy
Bull, E. F.....	Ottawa
Bunn, A. B.....	Decatur
Burgett, J. M. H.....	Chicago
Burnett, Otis H.....	Marion
Burr, Albert G.....	Carrollton
Butler, John S.....	Chicago
Buxton, H. P.....	Carlyle
Byam, John W.....	Chicago
Campbell, W. H.....	Havana
Casey, Thomas S.....	Springfield
Cassoday, Eldon J.....	Chicago
Chamberlain, Wm. R.....	Chicago

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Chapin, George B.....	Vandalla
Chatterson, L. H.....	Chicago
Clark, Thomas H.....	Goleconda
Coburn, Lewis L.....	Chicago
Cochran, James S.....	Freeport
Cook, F. L.....	Paxton
Cowen, Balfour .....	Viriden
Crabtree, John D.....	Dixon
Davis, David .....	Bloomington
Deakin, J. Edward.....	Chicago
Dearborn, Luther .....	Chicago
Declus, H. B.....	Majority Point
Dummer, Henry E.....	Jacksonville
Dunham, Charles .....	Geneseo
Edsall, James K.....	Chicago
Edwards, Benjamin S.....	Springfield
Ela, John W.....	Chicago
English, James W.....	Carrollton
Ewing, Charles A.....	Decatur
Farr, Mark C.....	Chicago
Finch, James A.....	Olney
Freeman, Norman L.....	Springfield
Fullenwider, James A.....	Chicago
Fuller, William .....	Clinton
Fuller, Melvin W.....	Washington, D. C.
Gallagher, Andrew J.....	Decatur
Gardner, Henry A.....	Chicago
Garnsey, C. B.....	Joliet
Garver, John C.....	Rockford
Gassette, Norman T.....	Chicago
Gere, George W.....	Champaign
Gillespie, Joseph .....	Edwardsville
Glenn, John J.....	Monmouth
Greene, Henry S.....	Springfield
Griffin, Charles F.....	Hammond, Ind.
Griggs, Charles W.....	Chicago
Griggsby, H. D. L.....	Pittsfield
Grimshaw, William A.....	Pittsfield
Gross, William L.....	Springfield
Hamburgher, E. C.....	Chicago
Hamill, Robert E.....	Cincinnati
Hamilton, Elisha B.....	Quincy

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Hamlin, H. J.....	Shelbyville
Hamline, John H.....	Chicago
Hammer, D. Harry.....	Chicago
Hartzell, William.....	Chester
Hatch, Azel F.....	Chicago
Higbee, Chauncey L.....	Pittsfield
High, James L.....	Chicago
Hilscher, Robert W.....	Watseka
Hinchcliffe, John.....	Belleville
Hirschl, Andrew J.....	Chicago
Hodges, Lothrop S.....	Chicago
Howell, Corvin V.....	Chicago
Howett, William A.....	Chicago
Hunt, George.....	Chicago
Hurd, Harvey B.....	Chicago
Hutchinson, Jonas.....	Chicago
Hutchinson, Joseph B.....	Chicago
Jewett, John N.....	Chicago
Kales, F. H.....	Chicago
Kettelle, George H.....	Chicago
Kilgour, William M.....	Sterling
Kistler, Louis.....	Chicago
Knapp, Anthony L.....	Springfield
Knapp, N. M.....	Winchester
Knight, Clarence A.....	Chicago
Kretzinger, Joseph T.....	Chicago
Keuffner, W. C.....	Belleville
Ladd, Charles K.....	Kewanee
Lambert, Phillip C.....	Belvidere
Leaming, Jeremiah.....	Chicago
Leforgee, C. C.....	Decatur
Longden, James H.....	Chicago
Lumley, Vincent S.....	Woodstock
Magruder, Benjamin D.....	Chicago
Marsh, William.....	Quincy
Mathias, John C.....	Chicago
Matteson, Andre.....	Chicago
McCulloch, David.....	Peoria
Mehan, Thomas N.....	Mason City
McDonald, Edward L.....	Jacksonville
McFadon, William.....	Quincy
McKenzie, James A.....	Galesburg

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McMillan, E. Erskine.....	Chicago
McNulta, John .....	Chicago
McNulty, George Francis.....	E. St. Louis
Miller, Henry G.....	Chicago
Miller, H. H. C.....	Chicago
Miller, James H.....	Toulon
Mills, Luther Lafin.....	Chicago
Moffett, John H.....	Paxton
Montgomery, A. S.....	Virginia
Moore, Samuel M.....	Chicago
Moran, Thomas A.....	Chicago
Moses, Adolph .....	Chicago
Moses, John .....	Chicago
Munn, S. W.....	Joliet
Newcomb, George W.....	Chicago
Olwin, Jacob C.....	Robinson
Orendorff, Alfred .....	Springfield
Osborn, Charles M.....	Chicago
Osborn, Charles M., Jr.....	Chicago
Palmer, John M.....	Springfield
Pease, Arthur B.....	Chicago
Pence, Abram M.....	Chicago
Phillips, Jesse J.....	Hillsboro
Porter, John .....	Monmouth
Potter, Fred S.....	Henry
Prouty, Henry W.....	Chicago
Puterbaugh, Sabin D.....	Peoria
Rae, Robert .....	Chicago
Raymond, James H.....	Chicago
Reeves, Harry G.....	Bloomington
Ricks, James B.....	Taylorville
Ritsher, E. C.....	Chicago
Roberts, C. A.....	Pekin
Robinson, James C.....	Springfield
Robinson, William H.....	Fairfield
Rosenthal, Julius .....	Chicago
Ruth, Linus C.....	Hinsdale
Samuels, Daniel V.....	Chicago
Sanders, George A.....	Springfield
Sanford, Edward .....	Morris
Sawyer, Thomas S.....	Kankakee
Scharlau, Charles E.....	Chicago

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Schmitt, Frank P.....	Chicago
Schuyler, Daniel J., Sr.....	Chicago
Shaw, Thomas M.....	Lacon
Sheldon, Clarence L.....	Sterling
Sheldon, Theodore .....	Chicago
Sheridan, William A.....	Oak Park
Shortall, John G.....	Chicago
Singleton, James W.....	Quincy
Smith, Edwin Burritt.....	Chicago
Smith, Frank J.....	Chicago
Smith, George W.....	Chicago
Snedecker, O. A.....	Jerseyville
Starr, Charles R.....	Kankakee
Statts, L. Newton.....	Edwardsville
Stevens, J. C.....	Galesburg
Stone, George N.....	Chicago
Storrs, Emery A.....	Chicago
Strattan, Charles T.....	Chicago
Swett, Leonard .....	Chicago
Taliaferro, B. C.....	Kelthsburg
Teehey, John J.....	Mt. Sterling
Thackaberry, Milton L.....	Chicago
Thoman, Leroy Delano.....	Chicago
Thomas, Charles W.....	Belleville
Thomas, William .....	Jacksonville
Thornton, Anthony .....	Shelbyville
Travous, Charles Norton.....	Edwardsville
Trogon, A. Y.....	Paris
Tuley, Murray F.....	Chicago
Tunnicliff, J. J.....	Galesburg
Ullman, Frederic .....	Chicago
Walker, Edwin .....	Chicago
Washburn, E. B.....	Chicago
Weaver, Leslie A.....	Champaign
Welsh, William R.....	Carlinville
Wheeler, Samuel P.....	Springfield
White, Frank .....	Chicago
White, G. Frank.....	Chicago
Whitehead, Silas S.....	Marshall
Whiton, H. K.....	Chicago
Wilkin, Jacob W.....	Danville
Willard, George .....	Chicago



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Williams, Edwin N.....	Galesburg
Williams, Guy P.....	Galesburg
Williams, Henry L.....	Chicago
Williams, Norman .....	Chicago
Williamson, R. S.....	Chicago
Willoughby, Harry .....	Granite City
Wilson, James M.....	Aledo
Wolfe, J. S.....	Lewiston
Wolfe, J. S.....	Champlon
Worley, William C.....	Lewiston
Wright, M. B.....	Watseka
Wright, O. H.....	Havana
Wright, Robert W.....	Belvidere
Yancey, A. N.....	Carlinville

## HONORARY—DECEASED.

## MEMBERS OF SUPREME COURT: PERIOD IN COMMISSION.

Samuel H. Treat, 1841-1855.....	Springfield
Sidney, Breese, 1841-1842; 1857-1858; 1861-1878.....	Carlyle
Pinkney H. Walker, 1858-1885.....	Rushville
T. Lyle Dickey, 1875-1885.....	Ottawa
John Scholfield, 1873-1893.....	Marshall
Joseph M. Bailey, 1888-1895.....	Freeport
Gustavus Koerner, 1845-1848.....	Belleville
Lyman Trumbull, 1848-1853.....	Chicago
Benjamin R. Sheldon, 1870-1888.....	Rockford
John M. Scott, 1870-1888.....	Bloomington
David J. Baker, 1878-1879; 1888-1897.....	Chicago
Jesse J. Phillips, 1893-1901.....	Hillsboro
Damon G. Tunnicliff, 1885-1885.....	Macomb
Anthony Thornton, 1870-1873.....	Shelbyville
John H. Mulkey, 1879-1888.....	Metropolis
James B. Ricks, 1901-1906.....	Taylorville
Jacob W. Wilkin, 1888-1907.....	Danville
Guy Charles Scott, 1903-1909.....	Aledo
Benjamin D. Magruder, 1885-1906.....	Chicago
Alfred M. Craig, 1873-1900.....	Galesburg

Myra Bradwell .....	Chicago
Joseph E. Gary.....	Chicago
Murray F. Tuley.....	Chicago
Adolph Moses .....	Chicago
John B. Cassoday.....	Madison, Wis.
Edward Morse Shepard.....	New York



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SEMI-ANNUAL MEETING  
— OF —  
The Illinois State Bar Association

SPRINGFIELD, ILLINOIS, FEBRUARY 16, 1911

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The Association convened in the old Supreme Court room in the Court House at nine o'clock in the morning, and was called to order by William R. Curran, President.

THE PRESIDENT: Gentlemen will be in order, please.

This meeting has been called, gentlemen, as advisory in its character, to consider the work of the drafting committee that has been at work on the question of procedural reform for some months. As many of you know, a conference was called, made up of delegates and representatives from various Bar Associations, and from various bars of the counties of the state, of representatives appointed by the Governor and also of representatives appointed from the State Bar Association. There has been left with you, and you have before you, and each member, I think, has been furnished with, a printed copy of their work. This meeting is for the purpose of considering their work and to give to the Committee such suggestions as those present may desire to make; for the purpose of examining it and to determine what further suggestions are to be made to the Committee, that they may be advised of the course to take in the presentation of their work. Major Tolman, Chairman of that Committee, will present a report and make an explanation of the work, after that an opportunity will be given for general discussion. The discussion will be on behalf of the bar generally, either members of the State Bar Association or delegates who are here in attendance from local associations, or members of the bar interested in this

subject from any part of the state. That discussion will be limited to five minutes, and the discussion will then be closed by members of the drafting committee. Major Tolman is present, he will present the matter to you.

The report is as follows:

THE FOLLOWING IS THE BILL PREPARED BY THE ILLINOIS CONFERENCE ON THE REFORM OF THE LAW OF PRACTICE AND PROCEDURE AS AMENDED.

47th G. A.

Senate Bill No. 327

1911

AS AMENDED.

Introduced by Mr. Burton (by request), March 3, 1911.

Read first time, ordered printed and referred to Committee on Judiciary.

March 15, reported back, passage recommended.

March 21, second reading, amended, ordered to a third reading.

#### A BILL

For an Act to amend Sections 1, 2, 3, 32, 40, 41, 46, 47, 48, 49, 51, 60, 73, 74, 79, 80, 83, 109, 111, 116 and 124 of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907, as amended by subsequent Acts, and to repeal Section 53 thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Sections 1, 2, 3, 32, 40, 41, 44, 46, 47, 48, 49, 51, 60, 73, 74, 79, 80, 83, 109, 111, 116 and 124 of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907, as amended by subsequent Acts, be and the same hereby are amended so as to read as follows:

Sec. 1. The first process in all actions to be hereafter commenced in any of the courts of record in this State shall be a summons, except actions where special bail may be required; which summons shall be issued under the seal of the court, tested in the name of the clerk of such court, dated on the day it shall be issued, and signed with his name, and shall be directed to the

sheriff (or, if he be interested in the suit, to the coroner of the county), and *may, at the option of the plaintiff*, be made returnable on the first day of the next term of the court in which the action may be commenced or on the first day of the second term of said court after the commencement of said action, or on the first day of any succeeding term of the court which may be held within three months after the date thereof, *or on any day fixed by general rule of court as a day for the return of process, occurring not more than three months after the date of the summons.*

Sec. 2. It shall be the duty of the sheriff or coroner to serve all process of summons or *capias, delivered to him* when it shall be practicable, ten days before the return day thereof, and to make return of such process to the clerk who issued the same, by, or on the return day, with an endorsement of his service, the time of serving it, and the amount of his fees; *or any such summons may be served by any male person over the age of twenty-one years, not a party to the action and, when so served proof of such service shall be made by the affidavit of the person making such service, endorsed on or attached to such summons, which affidavit shall state the name, place of residence, age and occupation of the person making such service and the date, place and manner of such service: Provided, that when such process shall have been directed to a foreign county, the officer or person executing the same may make return thereof by mail; and the clerk may charge the postage and tax the amount in his fee bill. Service of summons, except when otherwise expressly provided by statute, shall be made by leaving a copy thereof with the defendant in person, or by leaving such copy at his usual place of abode, with some person of the family of the age of fifteen years or upwards and informing such person of the contents thereof.*

Sec. 3. If *any summons or capias shall not be served* ten days before the return day thereof, *it may be served* at any time before or on the return day; but if not served ten days before the return day thereof, the defendant shall not be compelled to plead *until the next return day, whether fixed by statute or by rule of court, occurring not less than ten days after such service.*

Sec. 32. *The plaintiff shall, at least ten days before the return day of the summons or process, file his declaration stating concisely and with substantial certainty the substantive facts necessary to constitute his cause of action, with such particularity as to give the defendant notice of his demand, together with a copy of the instrument of writing or account on which the action is brought, in case the same be brought on a written instrument or account, which copy shall be treated as a part of the plaintiff's declaration. The plaintiff shall attach to his declaration an affidavit, verified by the plaintiff, his agent or attorney, stating that he has good reason to believe and does believe that the matters and things set forth in the declaration are true and that the suit is prosecuted in good faith, and, except in actions of tort and in actions where the damages are unliquidated, the amount due from the defendant, after allowing all just credits, deductions and set offs.*

*If the declaration is not filed in the time aforesaid, the court, on motion of the defendant, shall continue the cause at the cost of the plaintiff, unless the parties shall agree to have a trial, and if the declaration and copy of the instrument of writing or account, on which the action is brought, shall not be filed ten days before the second term of the court, the defendant shall be entitled to a judgment as in case of a nonsuit: Provided, that in all suits where the defendant shall have been served with process or entered his appearance, the plaintiff may be required to file his declaration on the return day or within such reasonable time thereafter as the court may fix.*

Sec. 40. *If the party commencing any civil suit or proceeding shall have misconceived his remedy, he may be permitted, in the discretion of the court, on such reasonable terms as the court may impose, by proper amendments, in the same proceeding, to transfer the suit, if at law, to chancery, and if in chancery, to the law docket of the court; and when so transferred, the suit shall proceed as though originally commenced on such side of the court. All of the depositions taken, evidence heard, proceedings had and orders entered in any such suit or proceeding prior to such trans-*

fer shall be preserved as a part of the record of such case after the transfer, and either party may have the benefit of all such prior evidence, proceedings and orders after such transfer, so far as the same may be applicable to the case under such amended pleadings as may be filed, but if any case be so transferred to the law docket, either party may have a jury empanelled to try any issues of fact, which trial as to such issues shall be *de novo*.

If upon the trial of any action at law it shall appear from the pleadings and the evidence that either or any of the parties is entitled to any equitable relief, in regard to the subject-matter of such action or proceeding, the court may for that purpose administer any equitable remedy which may prevent a failure or delay of justice, obviate a circuitry or multiplicity of actions, and completely dispose of the entire controversy in one proceeding.

Sec. 41. No suit at law nor any statutory proceeding shall be dismissed for want of necessary parties, but the court shall have power to cause them to be summoned. In case another defendant is added, summons may issue against such defendant, returnable to any day certain, to be fixed by order or rule of court, not less than ten days after the issuance of such summons, and he may be proceeded against in the same manner as if he had been made a defendant at the commencement of the suit.

The court shall have power to allow all parties proper to a complete disposition of every controversy to be joined in every suit or proceeding and at every stage thereof, even though such parties are not all interested in the entire controversy, provided it appears to the court that the joinder of such parties will not work an injustice to them or to any other party, and will facilitate the prompt and complete disposition of the cause.

The courts shall have power and it shall be their duty, in every suit or proceeding, to render such judgment against such parties before it as the pleadings and evidence may justify concerning the subject-matter of the controversy; and in so doing may render different judgments against different parties or in favor of some and against others, whether on the same side of the cause or not, and may dismiss as to some and grant relief to or against others,



and impose costs in case of misjoinder or unnecessary joinder upon the parties responsible therefor.

Sec. 44. The plaintiff in any suit at law, may file with the declaration written interrogatories concerning any material fact or matter set out in the declaration which (unless the court otherwise decides), shall be answered, in writing, under oath, by the defendant, to whom the same are directed and such answers shall be filed with his plea. If the defendant is a corporation, the answers shall be sworn to by an officer or agent of the corporation having knowledge of the facts. The defendant, or other party to the suit, may at the time of pleading, file written interrogatories concerning any fact or matter material to the issues in the suit which (unless the court otherwise decides) shall be answered by the plaintiffs or any one or more of them, to whom such interrogatories are directed, within five days after a copy thereof has been filed and served upon such plaintiff or his attorney, or within such time as may be fixed by rule of court, which answer shall be sworn to by the person to whom the interrogatories are directed, as above provided. The court may, on application made, extend the time of answering interrogatories, or may, upon good cause shown, give leave to file such interrogatories to be so answered in writing under oath, either before or after the filing of pleadings by the respective parties, and either party may at any time move the court to enter judgment upon the pleadings and interrogatories and answers thereto. The party filing such interrogatories shall not be concluded by the answers thereto, nor shall the same be used or admitted as evidence against him, but if he shall elect to introduce the same, or any or either of them, on the trial or final hearing, he may do so, so far as the same are relevant and material, and any fact admitted by such answers shall on the trial be treated as admitted by the party filing the answers to the interrogatories.

The court shall have power to compel the persons to whom interrogatories are addressed to answer the same, and, in default of clear, responsive and unevasive answers, may strike from the files the pleadings of such person and may enter judgment accord-

ingly, as in case of non suit or nil dicit. If the facts admitted by such answers are not sufficient to dispose of all the matters in controversy, the trial of the case shall proceed only as to the facts not so admitted, and it shall not be necessary to prove at the trial any fact admitted by the answers to such interrogatories.

Sec. 46. Every defendant served with process in any cause ten days or more before the return day thereof, shall, unless further time is given by the court, file his demurrer or pleas in such cause on or before the return day of such process, and every defendant so served less than ten days before the return day of such process, shall, unless further time is given by the court, file his demurrer or pleas in such cause on or before the next succeeding return day of the court not less than ten days after such service. Each plea shall state concisely and with substantial certainty, the substantive facts necessary to constitute a defense, and with such particularity as to give plaintiff notice of the defense intended to be made thereby; if the defendant relies upon more than one defense he shall file several pleas, each of which shall contain but a single defense. He shall attach to his pleas an affidavit, sworn to by himself or his agent or attorney, stating that he has good reason to believe and does believe that the matters and things set forth in the pleas are true, and that his defense is interposed in good faith and not for delay, and if he shall rely upon a counterclaim or set off, he shall file a plea of set off, stating the facts on which he relies, with the same certainty and particularity required in a declaration and verified as other pleas. Any fact alleged in any pleading, and not denied, shall be considered as confessed.

If on the pleadings, or on the written interrogatories and answers thereto, hereinbefore provided for, or both, it shall appear that the defense is only to a portion of plaintiff's demand, or that the plaintiff has defense only to a portion of the defendant's counterclaim or set-off, the plaintiff or the defendant, as the case may be, shall be entitled to judgment for the portion of his demand so appearing to be due upon the pleadings, or interrogatories and answers thereto, or both, and the suit shall thereafter proceed as to the balance of the plaintiff's demand, or of the defendant's set

*off or counter-claim in dispute, as if the suit had been brought therefor; and in such case the court may make such order as to the costs of the suit as may be equitable.*

Sec. 47. *The plaintiff may reply to any plea of set-off in the same manner and with the same particularity required in pleas to a declaration, and shall verify the same in like manner, and such claim, or such part thereof as the defendant shall prove on trial, shall be set off and allowed against the plaintiff's demand and a verdict shall be given for the balance due, if anything.*

If it shall appear that the plaintiff is indebted to the defendant, the jury shall find a verdict for the defendant and certify to the court the amount so found, and the court shall give judgment in favor of such defendant with the cost of his defense, and if the cause is tried by the court, the finding and judgment shall be in like manner.

Sec. 48. When such *plea of set off* shall have been interposed, the plaintiff shall not be permitted to dismiss his suit without the consent of the defendant or leave of the court.

Sec. 49. If the defendant shall plead any set off he shall file with such plea a copy of the instrument or account upon which he intends to rely, *which copy shall be treated as a part of his plea.*

Sec. 51. *The plaintiff may reply as many matters to the plea of the defendant as he may deem necessary in several replications, and the defendant may rejoin as many matters to the replication of the plaintiff as he may deem necessary, in several rejoinders, in each case stating concisely and with substantial certainty the substantive facts necessary to constitute an answer to the prior pleading, with sufficient particularity to give the opposite party notice of the facts relied upon in reply or rejoinder, and to every such replication or rejoinder shall be attached the affidavit of the plaintiff or defendant, as the case may be, or his agent or attorney stating that he has good reason to believe and does believe that the matters and things therein set forth are true and that the same is filed in good faith and not for delay.*

*If subsequent pleadings are necessary in order to bring the suit to issue, they may be filed by either party, and shall be gov-*

erned by all the foregoing provisions of this section, so far as applicable.

Any party may file with his pleadings a bill of particulars of his claim, defense or counter-claim, and shall be required by the court, on motion of his adversary, or on the motion of the court, to file such bill of particulars, if it shall appear to the court that the filing of such bill will tend to give notice to the opposite party of the claim or counter-claim referred to in any pleading. Every such bill of particulars shall be deemed and taken as a part of the pleading with which it is filed and to which it refers. The courts shall also have power in such circumstances and upon such terms and conditions as they may deem proper, to require more specific bills of particulars to be filed, if necessary to give the opposite party notice as aforesaid.

Sec. 60. In all cases in any court of record in this State, both matters of law and fact shall be tried by the court *without* the intervention of a jury, unless the plaintiff, at the time of filing his declaration, or the defendant, at the time of filing his plea, shall file with or endorse thereon a demand for a trial by jury.

Sec. 73. Hereafter no judge shall instruct the petit jury in any case, civil or criminal, unless such instructions are reduced to writing, and he may of his own motion, and shall at the request of either party, submit all instructions tendered, and those proposed to be given by him, to counsel for the respective parties before any instructions are read to the jury, and give them an opportunity, in the absence of the jury, to state their objections to the instructions proposed to be given and to the refusal of the court to incorporate into his charge any instruction requested by counsel.

Sec. 74. Each party may submit to the judge, instructions as to the law of the case. When instructions are asked which the judge cannot incorporate into his charge he shall on the margin thereof, write the word "refused," and such as he approves he shall, on the margin thereof, write the word "given," and shall incorporate the same into his charge and he shall in no case qualify, modify, or in any manner explain the same to the jury otherwise

than in writing. Exceptions to the giving or refusing of any instructions may be entered at any time before the entry of final judgment in the case.

Sec. 79. In all trials by jury in civil proceedings in this State, in courts of record, the jury may render, in their discretion, either a general or a special verdict; and in any case in which they render a general verdict, they may be required by the court, and must be so required on request of any party to the action, to find specially upon any material question or questions of fact which shall be stated to them in writing, which questions of fact shall be submitted by the party requesting the same to the adverse party before the commencement of the argument to the jury. Submitting, or refusing to submit a question of fact to the jury when requested by a party, as above provided, may be excepted to and be reviewed on appeal or writ of error, as a ruling on a question of law. When the special finding of fact is inconsistent with the general verdict, the former shall control the latter and the court may render judgment accordingly.

*In any action or proceeding at law tried before a jury, if any one or more of the parties thereto moves the court to direct a verdict on any point of law conclusive of the whole controversy or of any substantial portion thereof, and if the court be in doubt as to any such point of law, such point shall be reserved and the verdict taken subject thereto and thereafter the trial court and any other court to which the case may be taken by appeal, writ of error or certiorari may enter judgment, either upon the point so reserved, or upon the verdict, as its view of the law on such reserved point may require.*

*In any action or proceeding at law tried before a jury, if it appears to the court that a different measure of relief or measure of damages should be applied to the case, depending upon which view of a doubtful question of law is ultimately ascertained to be correct, the trial court shall have power, and it shall be its duty, to submit the cause to the jury upon each alternative and to take its verdict thereon with power in the trial court and in any court to which the cause may be taken on appeal or writ of error or by*

*certiorari, to render judgment upon the verdict taken upon that alternative which is in accordance with the ultimate decision of the court in regard to such doubtful question of law.*

Sec. 80. When judgment shall be arrested for any defect in the record or proceedings after the first process, the plaintiff shall not be compelled to commence his action anew; but the court shall order new pleadings to commence with the error that caused the arrest.

*No judgment shall be set aside nor any new trial granted for error on the trial when it shall appear from the whole record that such error could not reasonably be deemed to have injuriously affected the substantial rights of the parties.*

Sec. 83. Every alleged error which has been called to the attention of the court before the entry of final judgment by objection or otherwise, and ruled upon by the court, may be preserved in the bill of exceptions or certificate of evidence without the necessity of noting any formal exception to such ruling, and shall be reviewed in like manner as if formal exception had been duly made and noted.

Sec. 109. A plea of release of errors or a plea of the Statute of Limitations to a writ of error, though adjudged bad or not sustained, shall not deprive the defendant in error of the right to joint in error.

Sec. 111. The Supreme Court or Appellate Court, in case of a partial reversal, shall give such judgment or decree as the inferior court ought to have given, and for this purpose may allow the entering of a remittitur, either in term time or in vacation, or remand the cause to the inferior court for further proceedings, as the case may require, but no case shall be remanded for a new trial when it shall appear from the whole record that the errors complained of cannot reasonably be deemed to have injuriously affected the verdict or judgment to the prejudice of the substantial rights of the parties.

Sec. 116. When in any case or proceeding whatever the original bill of exceptions, certificate of evidence, or any original paper is incorporated in the transcript of the record of the trial

court, or in any other manner removed to the Appellate or Supreme Court, such bill of exceptions, certificate of evidence, or other paper, shall, when the cause of proceeding is finally decided in the Appellate or Supreme Court, upon the application of either party, be returned to the trial court, *without any charge or expense whatever.*

Sec. 124. *The Supreme Court is hereby given power to promulgate rules of court for all the courts of this State relating to pleadings, practice and procedure in all cases and proceedings at law and in chancery, not inconsistent with the provisions of this Act. It shall be the duty of the Supreme Court, within thirty days after this Act is in force, to appoint a day, which day shall be within four months of its enactment, for the consideration of the rules of court that may be thought necessary to carry this Act into practical effect. No rule passed by the Supreme Court shall go into effect until sixty days after its publication in the official reports of the decisions of said court. During that sixty days any judge of the State or any ten members of the bar, may file with the Supreme Court a statement of their objections to the proposed rule.*

*It shall be the duty of the Supreme Court to appoint a day of each calendar year, which day shall remain the same until changed by a new appointment, for a further consideration of rules passed or to be passed pursuant to this Act.*

*The other courts of this State shall continue to have the power to make rules for their own courts, not contrary to the provisions of this Act, or to the rules which may be promulgated from time to time by the Supreme Court, and in case of conflict the rules so promulgated by the Supreme Court shall supersede and control.*

Sec. 2. That the said Act referred to in the title hereof be and the same hereby is further amended by repealing Section 53 thereof, and that said section and all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

ADDRESS OF MR. EDGAR B. TOLMAN, PRESIDENT OF THE ILLINOIS  
CONFERENCE ON THE REFORM OF THE LAW OF PROCEDURE AND  
PRACTICE.

*Mr. President and Gentlemen of the State Bar Association:*

The February number of Harper's magazine contains an article entitled "The Conservation of Human Effort." The author of this article gives a most interesting and instructive account of the application of the principles of what he terms "scientific management" to industrial pursuits. It is said that the great steel works at Midvale, Pennsylvania, by the application of scientific management, had accomplished the unusual and greatly to be desired result of simultaneously increasing wages and profits. As an illustration of the simplicity of these rules, the author shows their application to bricklaying, an industry older than the Christian era and one which for centuries has hardly suffered a change until within the last ten years. One of the first questions considered involved a change so obvious that it seems curious that no one ever considered it before; namely, why should it be necessary to lower and lift one hundred pounds of human weight every time that a single brick is lifted from the scaffold to its place in the wall. Consequently, a simple scaffold has been devised upon which the brick are placed always at approximately the desired height. The bricklayer has for generations been accustomed, when picking up the brick, to turn it over several times, in order to determine which is the best and truest face. Scientific management now places the brick on the scaffold with the best face outward.

Passing by a dozen simple modifications of method which the writer discusses as applied to the bricklaying industry, it is sufficient to summarize the achievements of the new science by stating that it is demonstrated that the efficiency of the bricklayer under this new system is increased from thirty-three to fifty per cent. The immensity of this saving, when the world-wide extent of trade is considered, produces figures which seem too incredible to set down.

Mr. Louis Brandies says the railroads are losing a million



dollars a day on account of their failure to put into effect the principles of this new science. Whether his figures are correct or not is a matter of somewhat acrimonious debate; but the most liberal and progressive men in the railway business frankly concede that much has been and more could be accomplished by the application of scientific business methods to the management and operation of the transportation industry.

Within the last month a change has been made by the United States post office authorities in the method of handling registered mail, which saves half the labor and expense of the system in vogue for many years.

The wonderful advances of the medical profession, not only in surgery, but also in administrative medicine, resulting from the discovery of the phagocytes, the eponins, the antitoxins and the whole broad subject of serum therapy, has, within the past few years, brought about a marvelous revolution in the methods of medical practice and brought life and hope to thousands of the human race whose cases were formerly without remedy.

The discoveries of modern science have revolutionized the art of war. There is no profession which has not been profoundly influenced and practically reorganized by the discovery of some new truth—the application of some new principle. Is it not time to consider whether the lawyer cannot increase his efficiency, conserve his energy and promote his usefulness as a servant of justice by the application of the common-sense principles of scientific management to the business side of his professional labors? that is to say, to the rules and methods of procedure employed in the judicial determination and establishment of personal rights.

If we admit at the outset that many of the evils from which we suffer are due to the personal equation, that is to say, to shortcomings both in intelligence and character on the part of some members of the profession at the bar and on the bench, it none the less remains true that a system ought to be devised which will work as well as possible even with defective material. Undoubtedly, members of the bar who enter upon their professional duties with trained intellects and inspired ideals, and who conduct their

cause before a judge with like characteristics of mind and character, not only can but usually do reach a just conclusion, no matter what the rules of practice may be. We should not rest, however, until our system is such that the suitor can obtain substantial justice even if he is unable to retain the services of the leader of the bar, and even though his case be submitted to a judge whose attainments and professional equipment fall somewhat short of the desired ideal.

What we need, therefore, is a system of procedure which, taking man and things as they are will produce a result most closely approximating the attainment of ideal justice. Does the system of today in Illinois meet this requirement? and, if not, how can it be improved?

#### THE PURPOSE AND FUNCTION OF RULES OF PROCEDURE.

In order to determine a just answer to the questions above propounded, it is necessary, first, to consider the purpose and function of those rules of practice which govern our procedure in the tribunals of justice. It is plain that these rules are not made for the benefit of lawyers as a profession, for lawyers are only a means toward an end, and that end is the attainment of justice. Nor are these rules made for any particular class of suitors. They ought so to operate that no person can have any substantial advantage in a judicial controversy over his opponent. Nor are they merely rules of the game, made for the purpose of adding zest to the conflict and giving an opportunity for the adroit and resourceful to profit by the exercise of their superior mental endowment. They ought rather to be so framed as to equalize as much as possible the terms of the contest, so that justice may not be defeated by the ingenuity of the advocate of justice.

The purpose and function of rules of practice and procedure, therefore, is to facilitate the prompt and complete administration of justice. Special emphasis should be laid upon two words in this definition, the words "prompt" and "complete." Since a delay of justice is a denial of justice, promptness in the administration of justice is a requisite so essential that no argument need

be presented in its favor. But is it not equally essential that the administration of justice should be complete? Section 19 of our bill of rights declares:

"Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation; he ought to obtain by law, right and justice freely, and without being obliged to purchase it, *completely* and without denial, promptly, and without delay."

It is not enough that a system of practice enables a person to secure a prompt hearing in court, unless that hearing actually disposes of the case, awards a remedy for *all* his injuries, and renders a further recurrence to the tribunals of justice unnecessary. A system by which a case is tried piecemeal, where the result of a trial is so hedged about by artificial rules that its stability on review is uncertain, where the litigant is bound to present his complaint either successively or in sections to the courts, cannot be deemed to be a system which renders complete justice. Cases may be tried quickly under our practice, but do they stay tried? Cases may be called promptly for hearing, but does the hearing dispose of the whole matter at issue? Are there too many reversals for technical defects? Is one fair and properly conducted trial always sufficient to deal with every aspect of a controversy?

#### A TEST OF THE PRESENT SYSTEM.

If the foregoing statement of the purpose and functions of procedural law is sound, let us apply it to the present system of practice and see whether or not our method of procedure now in vogue meets the requirements of this simple definition; and, in so doing, it is perhaps well to begin at the beginning.

The first process in every case is a writ to procure the appearance of the defendant in court, and it must now be directed to the sheriff, or, if the sheriff is interested, to a coroner. While it is highly desirable and probably necessary that writs which require the seizure of person or property shall be executed by an officer of the law subject to the control of the courts, as one of its agencies, whose faithfulness in the discharge of official duty has

been guaranteed by the making of an official bond conditioned to indemnify against damages resulting from his misconduct, is there any reason why a mere writ of summons, upon which no property can be taken nor any person apprehended, must necessarily be served by such officer? The inconveniences arising from this system are manifold. The needless expense of such service can hardly be justified if a more economical method can be devised. The efficiency of a system so limited in its instrumentalities does not commend itself. A monopoly always gives rise to the evil consequences of graft and extortion; and it has openly been declared at various times in the past that in the large centers of population, as for example in the county of Cook, it is impossible to get prompt service of a summons or other writ without the payment of additional and unauthorized compensation to the sheriff's deputy. A system which permits such a condition of affairs should not be tolerated, and there is no better remedy for monopoly than competition. If the law permitted a defendant to be notified of the pendency of a suit by the service of a copy at the hands of any person of mature years not interested in the suit, it is believed that greater promptness and efficiency in the service of summons will be secured and that the source of a recurrent evil of petty graft will be eliminated. Perhaps the deputy sheriff himself might be a better process server if he were put in competition with the clerks and employes of the lawyers and litigants.

Process is now made returnable at the first day of the next or some other succeeding term, not longer than three months from the date of the summons; but in many counties of our state these terms are two, three or even six months apart. Why should not a summons be made returnable at a day certain to be fixed by the court either by special order or by general rule?

Take now the question of pleadings. The most notable circumstance at the outset is that there is very little complaint at the bar of this state in regard to the present system of equity pleadings. With regard to the system of pleadings at law, however, there is some criticism. The causes of complaint are not

agreed upon, nor is there any substantial concurrence as to the remedies proposed, but, none the less, whatever dissatisfaction there is seems to be confined to the system employed at law, while the system employed in chancery seems to meet the approval of the profession. Why is this? An examination of the general nature of these two systems of pleading discloses a fact which perhaps answers the question. In chancery, the bill and answer set out the real case and the real defense. There are no legal fictions employed, nor are there any diverse forms of action in chancery. The bill of complaint, whether for an injunction, a decree rescinding a contract for setting aside a deed for fraud or mistake, a bill for an accounting or to declare a trust is in each instance a plain recital of the substantial facts necessary to constitute the cause of action. The answer in like manner in each case is a plain statement of the defense. In proceedings at law, on the other hand, there are a number of forms of action, each requiring different pleadings, with technical requirements as to the manner of alleging not only the facts in controversy but often the fictions of law which differentiate one form of legal action from another. Moreover, the consolidated common counts afford but little, if any, information as to the real facts in controversy, and in almost any form of action at law an astute pleader can so disguise his cause of action in a multiplicity of counts that it is next to impossible to discover what it all means until the case is actually on trial.

The general issue often gives even less notice of the real defense. Is it not a safe conclusion that the cause of the dissatisfaction which obtains in regard to the system of common law pleadings arises from the essential difference which exists between that system and the system in chancery; and that if pleadings at law should be approximately to pleadings in equity, at least to the extent that the pleader should state his real case and not a mere formal or fictitious case, and if the variety of forms of action should be still further reduced, the cause of much difficulty would be removed?

This can be done without abandoning any of the wisdom of

the ages which has been crystalized into the established precedents of the common law. A good declaration at common law in trespass would still be available under the proposed system. The fictions in trover and in ejectment would disappear; the consolidated common counts would be no longer permissible; the general issue would have to be abandoned; but every other form of count or plea known to the common law would be available, where it truly set forth the real cause of action or defense. Such is the system proposed by sections 32 and 46 of the bill prepared by the drafting committee of the Illinois Conference on the Reform of the Law of Practice and Procedure. It does not seek to substitute a code for the existing system of common law pleadings, but to approximate the common law pleading system to the system in chancery to the extent of requiring the pleader to plead truly and specifically, instead of pleading formally and fictitiously.

One of the evils of the existing system is the necessity at law for a choice between various forms of action and the resulting consequences from a mistake in the choice of the form of action. If, under the present system, the wrong form of action is chosen, the trial goes for naught and justice is defeated; but, according to every principle of scientific management, the consequences of this error in the choice of forms should be reduced to a minimum, and the error should be corrected without delay, even without postponement, and no mere formal error should prevent a court, when he has the parties and the witnesses before him, from administering any appropriate relief. The strong present tendency in this direction is indicated by the provisions of the present practice act abolishing the distinctions between trespass and case, and providing for the joinder of actions heretofore not susceptible of joinder; also by the recent provisions of the transfer of a case from the law to the chancery docket and *vice versa*. The principles underlying the provisions of our practice act should, however, be carried to their logical extent, and instead of transferring a case from the law to the chancery docket, with consequent delay and necessity for a retrial of the case, the judge should treat the case as one at law or in equity, as the case may be, and

should be in fact, as he is in theory, a judge or chancellor as the necessities of the case may require, and, if necessary, should exercise all the powers of either or both branches of jurisprudence as occasion may necessitate. If, on the trial of a suit at law, it appears that the plaintiff cannot recover because of a mistake in a contract which a court of equity might reform, the contract should be reformed forthwith and the suit at law be proceeded with. If, on the hearing of a bill for an injunction it should appear to the court that the proper remedy was a writ of mandamus, or that an injunction ought to issue as to some defendants and a mandamus as to others, he should have power then and there to issue either or both writs. The wholly obsolete rule in actions at law on contracts, that the plaintiff must recover against all or none of the defendants, should be abrogated and the judge should have power to enter judgment against any of the parties and in favor of the parties, as justice should require. This power also should be given to courts of review, so that proceedings which have been fully and fairly tried may not be required to be tried over again, because one of the several defendants in an action at law upon a contract is found to be not liable, although all the other defendants are liable.

The demurrer as now used in Illinois, perhaps may be fairly stated to be practically obsolete; discriminating lawyers generally regard it as a pleading the purpose and object and result of which is either "to get ten days more time to plead, or to educate the other side. Very few cases are now disposed of upon demurrer, and it is therefore proposed, in the measure before you, to establish, as has been done in Wisconsin, Indiana and many other states, a system of interrogatories which will better perform the function of a demurrer. Let me illustrate: You all know what the system now is if you endeavor to dispose of a case on demurrer, and in how many cases out of a thousand it is actually operative. If, now, the plaintiff brings an unfounded suit for the purpose of forcing a settlement, and interrogatories are presented by the defendant to be answered under oath referring to the one particular fact that is conclusive of the case, it will decide that case

without evasion. There will be no possibility of getting away from it by amendment as there is now with the demurrer system. Or, if a suit is brought against which there is no defense, or the defense is fictitious, or fraudulent, interrogatories filed by the plaintiff calling particular attention to the contract, its execution, its breach, and its non-payment, brings to a prompt and unevadable issue the controlling questions which cannot now be disposed of under the present system by demurrer.

I pass now to this question which seems to me to be the most important question now before the Association, and that is, how shall rules of practice be formulated. We have before us a project introduced in the legislature, by which the whole subject matter of procedural law is incorporated in one general act. In that bill the power of the courts to make rules in regard to the practice is very substantially limited, and I think it is openly stated by the proponent of that measure that the method there adopted has been chosen because of the authors lack of confidence in the courts as a means of establishing rules of procedure and his conviction that the legislature ought to be the body to establish rules of procedure.

The theory of the bill which we are to present to you is that only general principles should be dealt with by the legislature and that power should be given to the courts to work out the rules of procedure under that bill to carry it into effect. Now the objection to the system by which it is sought to have the legislature fix rules of procedure, seem to me to be very obvious. In the first place, suppose you pass by the question of capacity and competency, suppose you take it for granted that notwithstanding their preoccupation in controversial political questions, the legislature still has time enough to consider the question of procedure; suppose that you admit that the legislature has the ability and the information and the professional experience sufficient to qualify them to pass the rules of procedure, if it be found that there is error in the rules laid down by the legislature, nothing remains to cure those errors except to have recourse again to a subsequent session of the legislature, and you have a system which for inflexibility cannot be surpassed. If, on



the other hand, you put this power in the courts you at the outset do an appropriate thing, you put a judicial question in a judicial forum and not in a legislative forum. Judicial questions are for the judicial department, legislative questions for the legislative department. There, also, you have an elastic system by which, if a rule is found to work badly it may be promptly changed, and changed as many times as necessary until it does fit the necessities of the case, and you have a system by which the bar itself may co-operate with the bench and exercise its influence in formulating these rules. Because when the power is once given to the court to lay down these rules of practice, the courts, of course, will welcome, and if they do not welcome they could hardly refuse, to hear the united voice of the bar.

I want to say a word about how this bill has been prepared. It has already been stated that a conference has been organized under the auspices of the State Bar Association, containing delegates from all counties of the state elected by the county bar, the bar associations or by the bar at large, and representation made in accordance with the population. Not every county is represented, but is hoped before long every county will be. These delegates have established a permanent organization and appointed a drafting committee, as has already been stated, a committee of fifteen, five appointed by the Governor, five by the members of the Supreme Court and five by the conference itself. These fifteen men have met and have taken the proposition that have been submitted from delegates and others, including all the propositions of the American Bar Association contained in its last report and reprinted in the last report of the State Bar Association. These fifteen men have made proposals of their own and have considered the suggestions of delegates and others including the proposals of the American Bar Association. Any relief that is had in regard to the practice must be a matter of mutual concession. These fifteen men, with their different and diverse views have very thoroughly and at frequent meetings debated and discussed these questions, and I am very pleased to say today that we have substantially agreed upon a tentative draft which you now have be-

fore you. The principles that have governed and controlled this committee in the preparation of this draft have been not to make any unnecessary or doubtful changes in the law, not to tear the whole system to pieces, but to take the existing system,—and we all concurred in the idea that it had too much of good in it and too much of benefit in it to sacrifice—improve it where we could, incorporating in the existing system those reforms which have been tried in other states and found desirable, incorporating them as a part of the old system rather than creating an entirely new system to learn anew from the beginning, thus preserving the benefit of the judicial construction of the last forty years under our present act and containing as few questions as possible for future construction, and we present this report to you now for consideration today, and we trust that it will meet with a kindly reception, that you will at least appreciate the difficulty under which we have worked and that you will discuss it in the same spirit of mutual forbearance and concession and of “give and take” in which we have discussed it, because it is impossible to come to any system of agreement without concessions on both sides.

Now, briefly calling your attention to this bill I will first state the substance of it and read only those parts of it which are important and which have been changed.

Section 1 has been re-drafted so as to provide a system by which a suit may be brought either to the next term of court or to any succeeding term of court within three months, or to any other day certain which the court may establish by general rule as a day for the return of process. This will enable the plaintiff to get action promptly in those counties where there are only two, three or four terms per year.

Section 2 provides that process may also be served by any male person of the age of twenty-one years and upward not a party to the action, and that proof of service may be made by affidavit. Of course a false affidavit on such a writ as that, is punishable as perjury.

Section 32 is the section which requires the plaintiff to plead

his real case. As I have already indicated the changes are that "he shall file his declaration stating concisely and with substantial certainty the substantive facts necessary to constitute his cause of action, with such particularity as to give the defendant notice of his demand." That change is borrowed in part from the Massachusetts statute, and an examination of the cases construing those words in the Massachusetts act shows that it has operated there to the complete satisfaction of the profession and that no questions of doubt or uncertainty present themselves, in fact it makes, I think, no change from the certainty required by the present common law system, but does require the real case to be set out and verified.

Section 40 is the existing provision for the transfer of a case from law to chancery or from chancery to law merely amplified so as to make that existing provision operative, adding to the provision as it exists a provision that the depositions taken, evidence heard and proceedings and orders had shall be preserved as a part of the record and that either party may have the benefit of it after a transfer.

The paragraph beginning at line 28 provides that "if on trial of any action at law it shall appear from the pleadings and the evidence that either or any of the parties is entitled to any equitable relief in regard to the subject matter of such action or proceeding, the court may for that purpose consider any equitable remedy which may prevent a failure or delay of justice, obviate a circuitry or multiplicity of actions, and completely dispose of the entire controversy in one proceeding." Now, as an illustration of how that might operate: Suppose you bring a common law action in ejectment, involving two contiguous tracts of land containing 160 acres, eighty in each one. On the trial of the case you discover that there is an error in the description in the deed, one of the chain of title deeds to one of these pieces of land and that that deed has the wrong section number in it, and the evidence is at hand that it is a clear mistake, this provision would permit the court to reform the deed on that evidence and proceed with the ejectment case. The reform of the deed would, of course, have

to be based also upon pleadings and those pleadings might be a simple petition summarily prepared on the trial of the case and filed, making a record of the grounds for the relief upon which the reformation was sought. There are a number of other instances that might be thought of, but I cannot take the time now to illustrate it further.

Section 41 makes the rule in law just what it is today in equity in regard to the joinder of necessary parties, and I think presents no particular question for discussion until you reach the second and third paragraphs on page 6, commencing at line 10. Lines 10 to 16 are a statement of the equitable rule in regard to making proper parties, parties to a proceeding although not absolutely necessary. Lines 17 to 24 provide that the court may enter such order or judgment against such parties before it as the pleadings and evidence may justify, concerning the subject matter of the controversy, and may render different judgments against different parties, or in favor of some and against others, whether on the same side of the cause or not, and dismiss as to some and grant relief to or against others. Now it has never seemed to me that any harm has come from the application of that rule to bills in chancery, but there are numerous cases where the rule that you must recover in an action at law against all the defendants or none, and in favor of all the plaintiffs or none, has brought about the necessity of repeated trials, dismissals, amendments and re-trial.

Section 44 is the provision for interrogatories and I have already illustrated how they may be used.

Perhaps I might add one illustration of the purpose and function of these interrogatories suggested by a member of our drafting committee. I presume every lawyer has had the experience which this member of the committee said he had, of going into court and spending two solid weeks in making the *prima facie* proof of the amount due on a building contract, or a complicated contract running over a long period of time and containing many items, when the attitude of the defendant's lawyer was simply to sit back and make him prove his case thinking that he might fall

down, but when the two weeks had gone by and the *prima facie* proof had been made and without any flaw, at this great waste of time, then it immediately appeared there was no controversy whatever as to any of the matters that had been proved during that two weeks, but some one simple issue as to whether or not one of the defendants was a partner of the defendant firm, was the real question in controversy. Now this system, by which you single out the very point in controversy and then limit the trial to that point in controversy will, it is thought, make a great saving and economy in time in the trial of contested cases. Beside that, the utility of this system to demolish suits that are not brought in good faith, mere suits brought for blackmailing purposes or to harrass the other party, and defenses interposed without merit, is obviously of great practical value.

Section 46 provides the same in regard to pleas as has already been provided in 32 in regard to declarations.

Section 47 applies the same principles to a plea of set-off.

Sections 48 and 49 are mere verbal changes of the law to make them harmonize with the other provisions.

Section 60 has been changed and I will read it as it is now changed: "In all cases in any court of record in this state, both matters of law and fact shall be tried by the court without the intervention of a jury unless the plaintiff, at the time of filing his declaration, or the defendant at the time of filing his plea, shall file a written demand for a trial by jury."

There are some jurisdictions in this state where the fact that every case goes on a jury calendar brings about a most lamentable delay in the trial of cases and a most unjustifiable expense and it is hereby sought merely to segregate the cases so that those cases in which a jury trial is desired may be put upon the jury calendar, and those cases in which no jury is desired may go on a calendar to be tried by the court, so the courts may then adjust their business accordingly and may not have a jury in attendance while cases are being tried by the court without a jury. This is the system which has been working in Chicago under the Municipal Court Law from the beginning, and it there works

admirably. Cases tried without a jury are there disposed of within a month; cases in which a jury is called for go on a jury calendar and those calendars are called so that cases are reached within about four months.

Section 73 and 74 are a re-writing of the existing provisions in regard to the instructions to the jury. It has been argued that we go back to the common law system that the judge shall charge the jury as at common law, orally. It has been found that the general sentiment of the profession in Illinois is opposed to that change. There are warm adherents of that proposal, but the great majority of those who have communicated their views to the drafting committee indicate that they are not prepared to go back to the old system of common law charge with comment on the facts. But it has been thought that if the judge should take these requests for instructions, examine them, determine which he is going to give, call in the counsel and advise them of the instructions he intends to give, permit the objections to be stated so that court and counsel may confer on the subject of the charge to the jury two results will follow. There will, of course, be some time occupied in settling these instructions, but it is believed that the counsel and the court will soon be able to adjust themselves to the system so the question of settling the instructions will be done briefly and not occupy very much time. It is then believed that better instructions will be given. It is believed that many inadvertent errors that now result in the reversal of cases will be eliminated by this interchange of views, and by adopting in part the federal practice and yet largely liberalizing it so that the parties shall be confined to those objections which they state to the court then and there when the matter is under discussion that verdicts and judgments will not be so often reversed upon ingenious after thoughts that have been summoned up out of the imagination and which never occurred either to counsel or to the jury at the time when men are best able to tell what instructions mean, namely, when they are in the atmosphere of the case and know precisely what they are talking about.

Now Section 79: I want briefly to call your attention to some features of that. As you see, the first fifteen lines of it is the law as at present, in regard to special verdicts, we have added to that a provision in which we take up the old familiar common law practice of taking a verdict subject to a reserved point. I do not know whether the bar is familiar with the common law practice on that which is still in force in Pennsylvania and Massachusetts and perhaps some other states. But if, when a case comes to the point of instructions the court is in doubt with regard to the law on an instruction he may, instead of solving that doubt then and there, at the peril of causing a mis-trial, reserve the point in doubt and submit the case to the jury and then, on a motion for a new trial, or on appeal, the judgment may be rendered either upon the verdict of the jury as rendered, or upon the reserved point, which will be the controlling point. So, that, instead of having two appeals and two trials to have this case go up with a double aspect and both the trial court or court of review may enter judgment either on the verdict for the plaintiff or on the reserved point for the defendant. Now an examination of the record of the opinions of the Supreme Court of Pennsylvania shows that this system works there at least to the satisfaction of the profession and is in constant use. In lines 26 to 36 of that same section a similar provision is made. It sometimes occurs and there are cases in the books, principally from Pennsylvania, where there are two distinct measures of damages, depending upon the application of the principles of law to the case. In Pennsylvania they submit the case to the jury and let them give two verdicts: If you find from the law that such and such is a fact, then you must assess your damages on a certain measure of computation and render that verdict. If, on the other hand, you find that another condition of facts exists, then another rule of the measure of damages applies and you render another verdict on another method of compensation, and then those two verdicts are before the courts so that judgment may be entered upon either one of them. I think the committee, perhaps, would not have recommended the consideration of these provisions but for the fact that they are brought

over from the familiar common law practice and are today frequently used in at least two states of the United States, and the record seems to show that they work there well.

In Section 80, lines 19 to 21 read as follows: "No judgment shall be set aside nor any new trial granted for error on the trial which does not appear to have injuriously affected the substantial rights of the parties." It has been said, and argued very strenuously, that that is the law today. There seems to be some difference of opinion as to whether it is the law today or not. If it is not the law today it is thought it ought to be, at least that the question ought to be embodied in the bill and presented for discussion. Lines 22 to 43 inclusive provide for an appeal from an order granting a new trial. That is to say, the plaintiff recovers, the verdict is rendered in his favor; the court, on a point of law other than the preponderance of evidence, grants a new trial, and an appeal is granted to the plaintiff from that order allowing a new trial, so that the case then goes up with the verdict in the record. If the reviewing court thinks that the verdict was right and the ruling of the court in granting the new trial on the conclusive point of law is wrong, the court has before it the verdict, upon which it can direct judgment to be entered, instead of being compelled to send the case back again for another trial. I think I am, perhaps, justified in saying that the vote on the adoption of this particular section was a very close vote and that its presentation is in its nature tentative; it has not yet been fully determined whether the delay in taking up an appeal from the granting of a new trial will be as great as the saving of time which results from having a verdict before the court when it reviews the case, and we will be very glad to have an expression of views on that proposition.

Section 83 simply provides that you may have the benefit of exceptions without entering the formal exception. Pretty nearly every bar has made a rule of its own in regard to that subject to that effect, and we thought we were merely recognizing an existing condition of affairs by making this provision.

Section 109 merely corrects an apparent omission in the ex-



isting statute, making its provisions applicable not only to a plea of release of errors but also to a plea of the statute of limitations to a writ or error, a mere verbal omission in the statute.

Section 111 contains this new provision: "But no case shall be remanded for a new trial unless it appears from the record that the errors complained of may reasonably be deemed to have affected the verdict or judgment to the prejudice of the parties, and that a retrial of such issues of fact will conduce to the attainment of justice." I remember to have heard one of the Justices of the Supreme Court declare that that is their rule now. I do not know whether the court will make that a judicial utterance or whether they are in accord on that proposition. The bar seems to be at outs on the proposition; not all lawyers agree that that is the law now, there seems to be a difference of opinion on it. I think we will do well to consider it and thresh out the difference of opinion if there are any and come to some rule on the subject. Speaking for myself, personally, I think the rule is a proper one, and yet I do not speak for all the committee on that proposition.

Section 116 presents a mere verbal change.

Section 124 is the provision which gives the Supreme Court power to promulgate rules of court for all the courts of the state in regard to pleadings, practice and procedure. I have said enough with regard to that provision to present it fairly. It does not interfere with the rights, and in fact it directly reserves the right of the nisi prius courts to make rules for the conduct of business in their own courts not inconsistent with those that the Supreme Court passes or are embodied in the act; and it is thought that the Supreme Court, with the help of the profession, will be able to devise rules which will secure that uniformity which is advisable, and yet be able to meet the diverse conditions that exist in the rural districts and in the urban. The most serious difficulty that confronted us in the whole matter was the different needs of the different communities, and a law that makes different rules of practice for different communities would probably not be valid, but the Supreme Court has decided that the rules of court need not be uniform, there may be different rules in different ju-

risdictions. I thank you, Mr. President, and gentlemen, for your patient attention.

THE PRESIDENT: The report of the Committee is now before you, gentlemen, and a reasonable time will be given for discussion under the five minute rule. Remember, gentlemen, the gavel will fall at the end of five minutes for each speaker and no speaker will be heard twice until all present who desire to speak have spoken. I hope that speakers when they rise will announce their names so that the record may show clearly who they are.

MR. FRANK J. LOESCH: I would like to ask why the Committee put in the age of the process server at eighteen years instead of making it at least twenty-one years?

MR. E. M. ASHCRAFT: It is twenty-one now, we have changed that.

MR. CORNELIUS REARDON: I am heartily in accord with the measure as presented by the Chairman of this Committee, with the exception of the process serving. I think greater abuses will arise by service by an unsworn individual, under no bond, as a process server, than can possibly exist even in wicked Chicago. (Applause).

MR. THOMAS WORTHINGTON: I disagree with the gentlemen on that proposition. I want to call attention to the latter part of section 74. As I understand it, the rule that is there proposed to be adopted is substantially the rule that is followed in the Federal Court, except that there the instructions are oral and not written. Now it seems to me if judges were infallible, or if the lawyers on both sides were infallible and at the same time honest, no injustice would be done to litigants on account of that provision. But, unfortunately, neither fact is true; judges are not infallible and attorneys are not always honest, and therefore the court may not always instruct the jury correctly. Now we have already had other provisions in this act, that there shall be no reversal on account of any but substantial error, and that is the rule of the Supreme Court now, as I understand it. But here, on the spur of the moment, lawyers in the midst of a trial are expected to point out all the errors that occur in those instructions.

In other words, to know all the law applicable to that case on both sides, or the court is supposed to know it, or otherwise the client is to be forever barred and bound by the ignorance of the court or ignorance and dishonesty of attorneys, as the case may be. As far as I am concerned, while courts and lawyers are still infallible I think the client, who is the man to be considered in this case, the litigant, should have the right to have substantial errors presented in his behalf, although neither court nor counsel observe them at the time of the trial.

MR. G. W. MILLER: I want to say this: I think that this section which we now have under discussion ought to be described as a section to make it possible for a man to be a trial judge without knowing much law. Now there is something to the administration of justice besides ending a law suit, and the whole tendency of this section and the one preceding it is to make the outcome of a law suit depend not so much upon whether there has been a trial in accordance with the rules of law, but upon the fact that lawyers have been quick witted enough, under the stress and strain of fighting law suit to point out all the errors. Now, if you please, let me suggest this to you. Here are two law suits that are being tried involving precisely the same question. The judge upon the bench calls in counsel in each case and submits the instructions. He gives to each jury precisely the same instructions and they contain precisely the same errors, as they must. The lawyer in one case has been quick witted enough to put his finger upon the errors and has pointed them out, his client gets a new trial. The lawyer in the other case has not been quick witted enough and his client pays the penalty. Now I say that is not the way to administer justice, and it is more important by far that in the end trials shall be had in accordance with the rules of law than it is that a law suit shall be disposed of at the end of one trial, and I am not in favor of compelling attorneys to step to the bar of the court and in the presence of the jury and at the peril of their clients point out any error there may be in instructions so that the gentlemen who sit upon the bench—and I say this with respect—may shift from their own shoulders upon

the shoulders of the attorneys the responsibility of passing upon instructions, and if the lawyers do not get them all, their client shall pay the penalty.

MR. W. A. NORTHCOTT: On the point of order: I understand this is simply for consultation, but if the conference wants to know the concensus of opinion of those here this morning, they can get it in no better way than by a vote expressing their sentiments, and to take up each important question at a time and dispose of it and I think Mr. Miller's motion is entirely proper.

MR. C. KRAMER: I would like to express my views upon sections 73 and 74. To eliminate the amendments offered in these two sections would eliminate, to my mind, the very best suggestions offered in this entire proposed bill. I think, however, the sections should each be amended. There is no question but what we will shorten if we do not now eliminate our present practice of handing up instructions to juries. The instructions are apparently inconsistent and the jury is absolutely unable to distinguish them, and if there is a farce connected with the practice of the law it is our present method of instructing juries. Section 73 reads: The judge shall instruct the petit jury in all cases, civil or criminal, by a consecutive charge reduced to writing and delivered by him and he shall, before the same is read to the jury, submit it to counsel, &c. Then, going to section 74, striking out all of the provisions of the former law, commence with the amendment,—substitute this for all of the former law: Either party shall have the right to request in writing propositions of law to be incorporated in the charge which shall be marked “offered”, indicating the party offering the same, and then read on, “exceptions to the charge as read to the jury, and to the refusal of the court to embody in his charge any of the propositions offered” &c. It seems to me there has been an effort here in these two sections to have the court present a consecutive charge to the jury, and yet they retain enough of the old law to indicate that we are going to have the same old system of handing up instructions and have the court mark them “given” or “refused” and then read these conundrums again to the jury as we have been doing in the past.

Now, as to the question of whether or not these objections ought to be offered at the time, I think that will simply lead to lawyers briefing their cases before trial rather than afterward, and the cases will be tried intelligently. That system works all right in the federal court, no trouble there. We understand when the charge is made we must make our objections then, and it is customary for the lawyer trying cases in the federal court to inform himself and brief his case and be ready. He can be ready then just as well as he can after the case has been tried, when he undertakes to prepare his brief for the higher court. The objection to a consecutive charge reduced to writing and delivered by the court is that some of our judges will not be able to present a charge of that character. I do not believe any such criticism as that can justly be made upon the judges of this state; it is saying that our judges can not do what they do in nearly all of the new states in this Union, and I feel that our judges are just as capable of preparing and delivering consecutive charges to the jury as they are in Kansas or anywhere else. That is an amendment that should be made, in my opinion.

MR. L. H. STRAWN: In reference to the service of process, I think that the departure that is proposed by this bill would be unsafe. I think that the service of process would better be done by the regular officers, the Sheriff and his deputies. If you serve process, especially in large cities, by individuals that are selected by the plaintiff it will be a dangerous and unsafe precedent to set; I think we would better have a sworn officer, elected by the people who gives bond to discharge his duties.

In reference to lawyers being heard on instructions that they have offered to the court before they are read to the jury, I think that is an excellent practice, it helps to inform the court what instructions are probably erroneous; and the court very seldom has sufficient time in a lengthy case, where instructions are numerous, to review and find out all the errors in instructions so I think the lawyers ought to be heard briefly on the instructions if they desire it before they are read to the jury. But I do not think it would be a safe practice to deprive the parties of point-

ing out any error in the future that the lawyers did not point out at that time, because with many instructions presented by the opponent he doubtless, in that short time, will not have time to discover all the errors. But he ought to be heard, I do not think he ought to be barred from the higher court for errors that he might not be able to point out there.

Now on page 15, beginning at line 19: "No judgment shall be set aside nor any new trial granted for error on the trial which does not appear to have injuriously affected the substantial rights of the parties". I think that is the law now; I think our courts, both the trial court and the court of review observe that rule of law and it is not necessary to put that in.

MR. JOHN C. RICHBERG: I wish to say just a word on the service of process. I think the last gentleman who has spoken is rather in error when he says that we are protected in serving process because a deputy sheriff is put under bond or the Sheriff himself. In the service of process I think it would be an improvement and in the line of progression if it were done as it is in New York and some of the other states, where the process is usually served by a clerk of the attorney who commences the proceeding, and it makes the attorney, who is a sworn officer of the court and who has a reputation to save, responsible, to a large extent for the proper service of process, and I think, therefore, it would be an improvement over the present method which also has been expensive.

MR. WAYMAN: I would like to make a few remarks with reference to section 73.

I agree, generally, from a criminal trial point of view, with Mr. Miller, as to section 74, and I disagree with him as to section 73. I think that section 73 is one of the most needed amendments to the law that can be proposed in this state for the administration of law from the state's standpoint. It frequently happens in Cook County that after a verdict of guilty, and a long argument on behalf of the defense for a new trial, that the court will suddenly discover that he has refused instructions for the defense that the State's Attorney at once will admit that he

should have given. Now frequently, in personal injury cases the plaintiff will get a verdict and suddenly discover, on the motion for a new trial that the court has refused instructions that should have been given for the defendant. What lawyer is there that will complain at being allowed to protect his client's interests at all stages of the proceeding, and to be allowed to see the instructions the court is going to refuse on behalf of the opposing party is merely giving counsel an opportunity to protect his client. In Cook County we still have instructions given on behalf of the defense that the reputation of the defendant is presumed to be good; we are still having instructions given on behalf of the defense that if any one juror has any doubt it is his duty to hold out, although the Supreme Court has condemned both instructions in numerous cases. Why should not the State's Attorney or his assistant, if he knows any law at all, be allowed to give the court instructions before the court makes the error, instead of after, when by giving it after it can do no good? I am in favor of, and I think the administration of criminal law would be advanced a hundred years if it were the rule of court that instructions given by the state and by the defendant shall be interchanged and both State's Attorney and the defendant's lawyer be allowed to advise the court before he gives instructions.

On the next proposition I am with Mr. Miller. I think there should be no rule requiring attorneys to point out specifically all the errors in the instructions. If this should become the law it would not work in Cook County because the trial judge would see that he had given instructions that he should not, or refused instructions for the defense that he should have given, and there is no judge going to send a man to the penitentiary when he sees he has misinstructed the jury, notwithstanding the fact that his attention has not been called to it before-hand, that does not appeal to the sense of justice of the American lawyer but the other does. I think I express the sentiment of the State's Attorneys' Association when I say as to section 73 the State's Attorneys are for it to a man. As to section 74 I do not express their sentiments, but I am expressing my personal views. And

I hope this Association will fight for that amendment in section 73. We want in Cook County to get that section 73 made the rule of the court so that we can discover errors before it is too late.

MR. HORACE K. TENNEY: I heartily concur in what Mr. Wayman has said as to section 73, differing with him somewhat as to section 74. And I think he has placed this matter upon a principle that we can really all subscribe to, that is to say, it puts the attorney who is participating in the trial of a case upon the footing of one who is bound to assist in procuring the proper result, not as one who is merely to fight for one side and by criticism in the light of subsequent examination to overturn the just result. And I think that the Committee has, by its method, in these two sections obviated the criticism sometimes made upon the federal court method, that is, this suggestion by Mr. Miller that you are called upon, in the presence of the jury, to criticise the instructions. He omitted to notice that in section 73 the Committee, foreseeing that, provided that the discussion should be in the absence of the jury. But the point is that the courts, the parties, the administration of justice, are entitled to the assistance of the attorneys in the light of their knowledge of the case when, as has been said here, their minds are warm on the subject. Now why are exceptions required? If you do not except to the ruling of the court you can not get it reviewed, and you do except because you know enough about the case to believe that that is a point which you wish preserved for review. You object to instructions for the same reason. You are bound to except to the ruling at some time, when should you do it? Should you do it at a time when, by calling attention of the court to it you may obviate an error, or should you call it to the attention of some other court for the purpose of overturning the result? Should your assistance be constructive or destructive in its purpose? Now, as to this last question here, it seems to me there might be some modification by which some fundamental question could not be obviated from the case. But in general I think the Committee has reached a correct and just result by requiring that



those objections which are to be made to the instructions given to the jury be made in the first instance, and that in the long run no client will lose by the ignorance of his attorney in following that practice.

MR. WALL: I agree with Mr. Miller that a law suit is for the purpose of the administration of justice, and the Committee, in drafting these two sections, had that idea in mind. I think we will all agree that of all classes of judges who try to preserve a strict neutrality between litigating parties, it is the Circuit Judge, and he is always ready to listen and eager to learn and receive advice and instruction of counsel upon the opposite sides. The practice that has grown up under the old law, in my observation, has not tended to the administration of justice, as Mr. Miller contends for, but was subverted, to some extent, the substantial principles of justice. Many times finehaired and doubtful assaults are made upon instructions in the upper courts that never were dreamed of by counsel at the time of the trial, and simply were the result of a prolonged mental effort and straining before they finally evolved this fine, subtle point which they wish to have the court believe affected the decision of the jury in the trial of a case. Now upon this question our Supreme Court has said repeatedly that instructions would not reverse unless substantial justice had not been done. Where does the vice of an instruction come in? If it is so palpably wrong that the jury who heard it for the first time, untrained in principles of law, could be misled by it, then with some degree of consistency we might say, if clients are defrauded of justice because the instruction was so palpably wrong, is it unreasonable to contend that lawyers who are presumed to prepare their cases, not only their own briefs, but to be prepared, to some extent and know what is coming on the part of the opponent, should have their mouths closed because they failed to point out to the court upon the trial an erroneous instruction? It seems to me that will subserve the ends of justice. It is very rarely the case that an instruction is so bad or will violate a principle of law to such an extent that any lawyer on first blush will not see it, and if he does not see it and it does not

deceive him it is one chance in a million that it will deceive the jury and lead them astray. It seems to me sections 73 and 74 will prevent a great many reversals that have occurred in the last nine or ten years on fine points raised on instructions.

MR. G. N. MILLER: Do you think a jury will detect the error in an instruction and know what the law is and follow it?

MR. WALL: Instructions are for the purpose of enabling the jury to apply the law in the instructions to the facts in the case, and where an instruction is not so palpably wrong as to mislead them in their application it has not done any wrong in the administration of justice.

MR. WILLIAM L. ELLWOOD: I desire to enter my protest against the suggestions in regard to service of writs. I believe writs should be served as at present by the Sheriff or his deputies. In regard to the question of instructions that is under consideration, I am in favor of the report as made. If it is in order or appropriate to suggest any other amendments, there is just one other thing that I would like to call attention to, and that is in regard to the unanimity of the jury. Instead of having it as it now is, that in case of the disability of a juror, or of death, or anything of that sort which now works a continuance of the case, I would have a provision that the trial court might excuse not more than two jurors and let the cause continue. Then I would provide or suggest an amendment to the effect that the agreement or decision of all but two jurors trying a case should be the verdict of the jury. I make this as a suggestion, and I know that many lawyers have thought along the same lines and believe that this would be beneficial. I throw out those suggestions to this Committee, and I would be glad to have them discussed here. I recognize that our time is very short and we should not, at this time, enter upon any prolonged discussion. Those of us who are practicing lawyers have had these questions come under our observation.

MR. PRENTISS: The proposed change, first in section 2, in regard to the service of summons: I think what is proposed here is a very serious matter. If I understand Major Tolman, one of

the reasons, if not the chief reason for the proposed change is that the Deputy Sheriffs in Cook County are 'grafters, they must be tipped in order to serve the process. I am afraid that is true, but it is to the shame of the legal profession of Cook County that such a thing is permitted, absolutely to their shame. The lawyers of Cook County could eradicate that very quickly if they would and they ought to do it, and this is a pretty good time to have something like that done through the legislature of Illinois for the eyes of the nation are on Illinois just now,—a pretty good time to have that done. It is a species of bribery, it ought to be made a crime punishable by imprisonment for any public official or any deputy of any public official to accept a tip. They have no more right to do it than a judge on the bench has a right to accept a tip, not a particle. I do not think it prevails in the counties generally in the state of Illinois, but we all know that it does prevail to a shameful extent in the County of Cook, and what is the proposition now? Still leave these officers to carry on that sort of business, and let the lawyers send their clerks out to serve these papers which the officer should serve. It strikes me that in a community that would tolerate the graft that is going on there in Cook County it would be mighty dangerous for that thing to go on. (Applause.). I think the first thing we need is a law absolutely forbidding any official or any deputy of any official to accept any tip, or anything in that shape, in any way, shape or manner, and then if the Bar Association of Chicago,—I don't know, we have the Municipal Voters' League and the Legislative Voters' League, I do not know why we should not have such leagues to reform the courts and the public officers of Chicago. Anyhow, if the Bar Association would take hold of that matter they would soon eradicate that thing and we would have Deputy Sheriff's and Deputies all over Cook County of such a character who could not accept and who would not receive tips of any kind. I think this would be a serious mistake to make that change and leave it in the hands of litigants as to whether the other party were served with process or not. I do not know how it works in other states, but it seems to me in the first place that such a pro-

posed relief is unnecessary and that it is unwise because it is not needed if the public officials are required to do their whole duty and suffer a penalty if they do not do it.

MR. WILLIAMS: Returning, by your permission, to the case of *Kramer vs. Miller*, for a moment (laughter and applause), I would like to suggest that every reason that has been urged against section 73 might be urged against a rule that has long obtained in our practice, a rule which takes no account of the difference in ability between the counsel of the respective parties, and that is the rule that a failure to object to incompetent testimony is a waiver of the objection. It seems to me that this amendment is exactly in line with that. Attorneys are required to point out immediately upon the presenting of the testimony their objection or it is forever waived, and it seems now too much that they point out an error in an instruction so glaring that it will influence the jury wrongly in the decision of the case.

MR. C. W. TERRY: I partially agree with the last speaker. I feel, with reference to the report of this Committee, as a whole, that rather than interfere with it materially it would be well if it were adopted as a whole. I think, however, and it seems to me it would be a compromise of the different views of the gentlemen who have spoken heretofore on this question of pointing out to the trial judge specifically the objections to the instructions, if the law were so framed that the attorneys should be required to object to the instructions prior to their being given, without requiring them to point out specifically the objection, that would put it more nearly on a plane of rulings on evidence where, as to certain matters of evidence it is now necessary that the party point out specifically the ground or the objectionable feature of the evidence, and it would put them more nearly, all the attorneys, upon an equal footing so that the one of inferior ability would be given additional time to frame his specific objection. I think, again, that this would enable the attorneys to ascertain what the court is going to give. I feel that whatever is done with this section there should be a provision requiring the court to inform the attorneys on each side what the instructions are. I know that

is the practice in many states, and it has seemed to me such an absurdity for the attorneys on each side to argue what he thinks the instructions are going to be and find the instructions are different, perhaps from what either side argued to the jury, and then the upper courts assume and presume that the jury having passed upon the question has delivered an intelligent expression of the case. Leaving that for just a moment, I feel there should be a provision in our practice act allowing appeals from interlocutory orders. Those provisions work out very well in other states, and the objection that I have heard made by the judges of our states that that would add to the appeals, I do not think is well taken and others agree with me in that matter, and I think that while it might increase the number of appeals that it would greatly diminish the necessary time occupied in the determination of those appeals when they reach the upper court. I think, however, the gentlemen might disagree with me with reference to special findings of the jury if you have a provision that the jury might be required to find specially as to evidentiary facts instead of as to ultimate facts only.

MR. ROBERT McMURDY: I am tolerably familiar with some of the suggestions which have been made by this very able Committee, because some of them were reported favorably by the Practice Commission of some years ago. Take, for instance, the question of interrogatories; substantially this provision was adopted by that Commission. At that time the sentiment for procedural reform throughout the state, and particularly in the General Assembly was not as advanced as it is now, and it seems to me there is a fair prospect of getting a provision of this kind through the General Assembly at this time in view of this change of sentiment. At the time when the report of the Practice Commission was made up, I took occasion to write to other jurisdictions where this rule is a matter of statute, asking if any embarrassment had been occasioned in the operation of the rule, or if any objections had been found by the experience of the bar in those other jurisdictions, and the answers came back, uniformly, that not only had there been no objection to these provisions for interrogatories,

but they had been very useful and had been in almost constant use by members of the bar. If I remember correctly, Wisconsin and New York were two of those states. I do think, however, and I hope the Committee will come to that view, that this provision for interrogatories should be extended to chancery. By the present report it is limited to law. It has been said by Major Tolman that there is very little objection to the present chancery pleadings, but we all have in mind this fact, that while a complainant fully states his case, and while a defendant fully states his affirmative defense under the present system the thing that happens is that the defendant denies, or neither affirms nor denies the allegations of the complainant's complaint which he thinks the complainant will have difficulty in proving,—not always, but many times. And there is not a lawyer here who has not spent days and days in proving up in a chancery case matters of fact which the defendant would never have denied under oath, or would never have denied in answer to one of these interrogatories, which is the reason I take it, that the Committee should, in my humble opinion, extend the sworn pleadings that they provide for at law, to chancery, so that we may get away from the present penalties of sworn pleadings if called for by the complaint.

Another matter: With reference to the service of process by private persons. The dangers which have been spoken of here would seem to be real, particularly when you consider them as applying to a community as large as the city of Chicago, and yet this has been the rule in the city of New York for a generation or more,—Mr. Richberg says two or three generations, that goes back beyond my time—but no trouble, so far as I have ever been able to learn, no substantial trouble, has come to the litigants or the profession in that locality. And I am informed that this is the rule, wide spread, throughout many states of the Union, particularly the code states, and it seems to me, in view of the experience of other jurisdictions in that regard we are taking unnecessary alarm.

MR. JAMES H. MATHENY: I wish to turn back, if it is in order, to section 32, on page 3, and ask the Committee if that

section is an original concoction, or was it adopted from some other state?

MR. E. M. ASHCRAFT: That is not adapted wholly from the statute of Massachusetts, but it is the substance of the Massachusetts statute.

MR. JAMES H. MATHENY: Is it substantially close to the Massachusetts statute so that in adopting it we would adopt the constructions given by the courts of that state?

MR. E. M. ASHCRAFT: I am of opinion yes.

MR. JAMES H. MATHENY: Has the Committee fully considered the effect of that construction given in Massachusetts?

MR. E. M. ASHCRAFT: I think so.

MR. JAMES H. MATHENY: I will ask that the results of those adjudications be a part of the statute, if we adopt it, and be communicated to the bar in the matters that the Committee are to submit. In other words, when we adopt the statute of another state we do not merely take the words, but with the text in substance the adjudications, and the bar without the subject of those adjudications would not know what we are adopting. I therefore ask that that be considered as part of the action of the Committee.

MR. E. M. ASHCRAFT: I suggest to the gentleman that we adopted the homestead laws of Massachusetts and the construction of it; and have never gone back on it.

MR. ROBERT A. CHILDS: The suggestion of the Chairman of the Committee making the report here this morning that he anticipated that there might be objection that the practice in its various forms might be well established by the long experience of the common law, might be raised. In order that he shall not be wholly disappointed upon that proposition I respectfully suggest if the original procedure which now obtains and has obtained ever since this state became a state and for hundreds of years before, and in connection with that procedure we have on our statute books also evolved from the experience under the common law a statute of amendments under which our procedure may be amended, may be changed, may be fitted and may be made to fit

any case as it comes up under pleadings next after the party has been brought into court the issue to be made between them is as elastic as it can ever be made it is under the adjudications of all the history of this state and of the nation and all other common law jurisdictions in the country. It has been wrought out from our experience. Take this proposition here today, the amendments, every one of them, and there is not a proposition, I will defy any member of the Committee to point out to this body here a proposition that is not equally covered by the pleadings at common law and much more expansive than this would be today if set in operation. The common law which has been made more elastic as it now is, is capable of being expanded, it can be made to reach almost anything in regard to the practice, to reach absolute justice in the administration of the law in each particular case. I know what labor this Committee has done from seeing the amendments that they have interpolated here in different sections. It has been a great, painstaking and honest work, and they are trying to simplify the practice and all that. But, I do not see, for the life of me, how it is simplified. I do see that every time we attempt to tinker with our practice act we are entailing a burden upon the courts, and it will take probably just about as long to get these new laws interpreted and understood by the people generally, the lawyers and even the courts, to say nothing about the lay-man as it has taken to have the common law understood as it now is. I am opposed to it.

MR. CARL E. EPLER: Just one word. The ground has been covered as to section 73; as submitted by the Committee. I think most of us would be in favor of it as it would unite the wisdom of the court and counsel in giving instructions to the jury. As to section 74, the drift seems the other way, for it would put a premium on the skill of counsel in quickly picking out objections to instructions. The client may lose that particular time by reason of not getting a more skillful lawyer, but why should he be punished and put under a perpetual bar on that account? And I think that substantial objections to the instructions should be permitted, and section 74 should not become part of the law. On



the other part, section 44, relating to interrogatories, I would like to know more about it, and I question very much how it would work in damage cases. The corporation might be getting something out of the plaintiff, but I do not think the plaintiff would get much out of the corporation.

MR. G. W. MILLER: There is another point I want to suggest with reference to this bill. These changes which so far have received practically no consideration at the hands of this body, I refer to lines 19, 20 and 21 on page 15: "No judgment shall be set aside nor any new trial granted for error on the trial which does not appear to have injuriously affected the substantial rights of the parties." It has been suggested that that makes no change in the law of this state. It makes a radical change in the law of this state. Under the decisions of the Supreme Court of this state no prejudice is presumed for error. They have announced that in many cases. I have in mind now, for instance, *The People vs. Kirby*, *The Crane Company vs. Rogers*. So that when you are in the court of review on error, the court will say to the man in whose favor that error has been committed, "We presume prejudice and we will reverse for this error unless you can show that your opponent did not suffer from it." If the court can say upon a consideration of the whole record that no damage was done by the error they will not reverse for it, and I have no controversy with that rule of law as announced by our Supreme Court, but I am concerned with the viewpoint which the court takes when it approaches the error. Now then this proposed change is this: The man who is made the victim of the error, when he steps into the court of review is told by that court, "It is wrong, the thing ought not to have been done, the instructions should not have been given, the evidence should not have been received, or it should have been ruled out, but unless you can convince us that you suffered thereby we will not reverse." Now just look at how ludicrous that situation is. Here are twelve men in the jury box who are in the triers of the fact under our system of jurisprudence. Litigants are entitled to the judgment of those twelve men absolutely uninfluenced by any evidence which ought not to go to them; un-

influenced by any erroneous instructions, and with all competent evidence bearing upon their minds. We get a verdict. Improper evidence has been received. We go into a reviewing court. How can we look down into the minds of twelve men who decided those facts, who are not present, and convince the gentlemen who sit upon the reviewing court that they were not influenced by this evidence which they heard and which they ought not to have heard? In other words, this amendment, if it is enacted in the law simply means that the man who has been made the victim of the error must suffer for it, and the man who has got the benefit of it in the trial court will get the benefit of it in the upper court; whereas the man who has been made the victim of the error should get his redress unless the other man can convince the court of review that it did not do any damage to the one who is benefited. Now I say that it changes, absolutely, the rule of law as announced over and over again by our Supreme Court, and it is a change that ought not to be made. (Applause).

THE PRESIDENT: The hour has now come when by flight of time we must necessarily end the discussion. Mr. Matheny is present on behalf of the Committee on Entertainment and he has an announcement to make.

MR. W. A. NORTHCOOT: I would like to make a motion that we give a vote of thanks to this Conference Committee for the able manner in which they have presented this report.

The motion was seconded and carried.

MR. JAMES H. MATHENY: On behalf of the Sangamon County Bar Association I am requested to call the attention of the visiting brethren of the bar to the announcements made by the cards upon the wall to the effect that the Sangamon County Bar Association is in session at room A2, at the St. Nicholas Hotel and will be glad to see you and give you the glad hand at any time you may drop in. Then I am also requested to say that Mr. Garretson, Treasurer of the Sangamon County Bar Association, who has charge of the plats and seats at the dinner to be given tonight, has his plat and is ready to do business with you at the corner of the room. And in addition to many other qualifications which

Mr. Garretson has that fit him for that responsible duty, he has the distinction of being the tallest member of the Sangamon County bar.

I am also requested to say that there is in the desk adjoining that of Mr. Garretson's the register of the attendance here and it is requested by the State Bar Association that those of you who have not registered your names will do so. This is a memorial of the fact that you are here and is of value to the State Bar Association. And, as everybody knows, the register is sometimes a convenient mode of proving an alibi, if any of you should ever have to meet that issue. (Laughter and applause).

MR. JOHN T. RICHARDS: I offer the following resolution:

Resolved that the thanks of this Association are due and are hereby tendered to the legislature of the state of Illinois for the use of the hall in which this meeting is held, and also to the Sangamon County Bar Association for the admirable arrangements made for the entertainment of the members of this Association during their sojourn to the Capital of our state, and I move its adoption.

The motion was seconded and carried.

MR. FRANKLIN L. VELDE: I have a resolution here that I would like to offer:

For many years the Members of the Bar of this State have been paying for the reports of our Supreme Court a price considerably in excess of that paid for the reports of other states, where the number of reports and the number of subscribers is so large as is the case in this state. Attempts, by way of Legislation, and otherwise, to have the price reduced proved ineffectual. Mr. Samuel Pashley Irwin, the present reporter of the opinions of our Supreme Court inaugurated his administration of that office by voluntarily reducing the price of the Supreme Court Reports from \$2.25 (plus expressage) per volume to \$1.50 (plus expressage) per volume.

He has also voluntarily and cheerfully and without charge furnished two pages of each issue of the Illinois Official Reporter for the use of this Association, and has agreed, when requested,

to furnish the same amount of space hereafter in each issue of the Illinois Official Reporter for the use of this Association free of charge;

THEREFORE, BE IT RESOLVED by the Illinois State Bar Association that we thoroughly appreciate the action of Mr. Irwin both in reducing the price of the Supreme Court Reports and in furnishing space in the Illinois Official Reporter for the use of this Association, and we hereby extend to him our sincere thanks for his action in the premises.

The motion was seconded and carried.

MR. E. B. TOLMAN: I want to make an announcement that the members of the drafting committee of fifteen will meet immediately in the reporter's room in the Supreme Court building.

THE PRESIDENT: Mr. Richberg has a report he wishes to present.

MR. JOHN C. RICHBERG: Mr. Chairman: The Committee on Uniform Laws of this Association had referred to it by the Executive Committee, at the last annual meeting, a resolution calling upon this Association to send to each member copies of the uniform laws that were proposed by the conference of Commissioners on Uniform Laws, as drafted; in accordance with that request of the Executive Committee, the Committee on Uniform Laws of this Association have met and have a report to present signed by all the members. In this report they recommend that hereafter the Commissioners on Uniform Laws of this state, five in number, appointed by the Governor, by virtue of an act of the legislature, consisting of Judge Harker of the University of Illinois, Dean Wigmore of Northwestern University, Professor Ernst Freund of the University of Chicago, Nathan William McChesney and myself as commissioners on Uniform State Legislation. The Committee of this Association on Uniform Laws now recommends, in accordance with a resolution passed at the last annual meeting and the instructions of the Executive Committee, that the Executive Committee be requested hereafter to print and distribute all uniform laws proposed for legislation in this state recommended by the Commission on Uniform Legislation; that the first or second

tentative draft be sent to each member of this Association before it will be offered before the General Assembly, for criticism and suggestion to the Commissioners on Uniform Laws. I will simply state for the information, perhaps, of some of the members, that the conference of Commissioners on Uniform State Laws now consists of boards of official commissioners from forty-five states in the Union, all the states in the Union except Nevada; also the three Island possessions, Porto Rico, Hawaii and the Philippine Islands, are represented. In thirty-eight states of the Union a negotiable instruments act has been adopted; a warehouse receipts act has been adopted in twenty states; a sales act has now been adopted in six states, the uniform bills of lading act in three states. At the next session probably a uniform incorporation act will be in tentative form, and if this resolution is adopted that will be sent to each member of the Association. We simply report in accordance with what the Association passed upon at the last conference, that the Executive Committee did not desire to act until this Committee had made a report. I therefore move the adoption of this report of the Committee, that the Executive Committee have authority to procure and send out these tentative drafts of these uniform acts.

The motion was seconded and carried.

The report is as follows:

*To the Illinois State Bar Association:*

Your committee on Uniform State Laws to whom was referred by the Executive Committee the resolution passed at the last annual meeting providing for the distribution of copies of Uniform Acts, to the members of the Association beg leave to report and recommend that the Executive Committee be empowered to distribute among the members of this Association and at its expense the tentative drafts of all such Uniform bills for suggestions and criticism, as may be recommended by the Illinois Commissioners on Uniform State Laws.

JOHN C. RICHBERG,  
A. D. EARLY,  
ELAM L. CLARKE,  
*Committee.*

**THE PRESIDENT:** We are now adjourned to meet at two o'clock in the Supreme Court room.

The Association re-convened at two o'clock P. M., and was called to order by Chief Justice Vickers of the Supreme Court.

The address of the Chief Justice is as follows:

**MR. CHIEF JUSTICE VICKERS:** Soon after the Supreme Court removed from its old quarters in the State House to its new and permanent home in the Judicial Department Building, the desirability of procuring portraits of all persons who had been members of the Court, other than those now in service, to be placed in some suitable place in this building was the subject of frequent informal discussions among members of the Court. While all agreed that if such portraits could be obtained, it would be the surest means of preserving in connection with the judicial history of the State a memory of the personnel of the men who had made that history, and an appropriate expression of the debt of gratitude which the present generation owes to them; still the task of assembling correct likenesses of so many men whose years of activity were distributed through the entire history of the State seemed almost an impossible undertaking. A Committee was appointed for the purpose of making an effort to collect the pictures, and about a year ago that Committee entered actively upon its work. After much labor and correspondence, the Committee finally procured the pictures of all the Judges with the single exception of Chief Justice Joseph Phillips, who was appointed Chief Justice October 9, 1818, and served until July 4, 1822. Up to this time we have been unable to procure a picture of Chief Justice Phillips. Our efforts have, however, been much more successful than the most sanguine anticipated.

After securing the pictures, the contract to make the portraits was awarded to Mr. J. Ellsworth Gros of Chicago, who has executed the work in a manner satisfactory to the Committee and the Court, and which we hope will be approved by the members of the Bar and the surviving relatives and friends of the several judges whose portraits are in the collection.

After it was ascertained that the undertaking was going to be in a large and unexpected degree successful, it was thought that the

unveiling of these portraits should be made an event of a public character in which members of the Bar of the State should be invited to participate. Recognizing the efficiency of the State Bar Association in managing public functions of this character, as well as the propriety of such a course, it was decided to place the whole matter in the hands of the officials of that Association. The officers of the Bar Association cheerfully accepted the duty and assumed the responsibility of calling this meeting, and I feel very sure that when we have concluded the program which has been arranged by the Association, all who remain for the finish will agree that the Association has maintained its high character for doing all things well which it undertakes. It is my pleasure on behalf of the Court to welcome you one and all to this meeting. We sincerely hope that you will feel that this is your meeting and that you will enjoy not only the public addresses that are to follow, but that you will also enjoy and improve the opportunity thus afforded of renewing old friendships and of forming new ones one with another.

The regular call of the docket for the day has been set over until tomorrow. The Court is not in session except for the purpose of carrying out the part of the program assigned to it. We hope that you will enter into the spirit of this occasion and enjoy it to the utmost; and I think I do not in the least imperil the dignity of the Court when I say that if necessary for your pleasure, a general immunity order from punishment for contempt will be entered so that you may be unrestrained in the pleasure of this occasion.

The Committee in charge of the program for the exercises which are to follow has very appropriately divided the history of the Court into three epochs and assigned a speaker to the period under each of our Constitutions. In 1778 George Rogers Clark invaded the Illinois country and on the 4th day of July of that year, captured Fort Kaskaskia. His expedition opened the way for the organization of the Northwest Territory which followed by the passage of the ordinance of 1787. Under that ordinance President Washington appointed Gen. Arthur St. Clair as the first Governor of the Northwest Territory. In 1809 the Territory of

Illinois was separated from that of Indiana. The territorial Government was organized and Ninian Edwards of Kentucky was appointed Governor. The population of the territory had not yet reached the requisite 60,000 under the ordinance of 1787 to entitle it to admission as a State. Congress subsequently passed an enabling act reducing the number to 40,000, and a census of doubtful accuracy finally reported the necessary 40,000 and in 1818 the Illinois Territory by act of Congress became the State of Illinois. Kaskaskia was designated as its first State capital. Here in a log house in July, 1818, thirty-three delegates assembled and drafted the first Constitution of the State. That Constitution provided for the organization of a Supreme Court. We will now be addressed by Judge Edward C. Kramer of St. Clair County on the subject of the Supreme Court under the Constitution of 1818.

The address is as follows:

#### THE SUPREME COURT OF THE STATE OF ILLINOIS UNDER THE CONSTITUTION OF 1818.

MR. EDWARD C. KRAMER: The Constitution of 1818 provided that the judicial power of the State should be vested in one Supreme Court and such inferior courts as the General Assembly should from time to time ordain and establish. It provided that its sessions should be held at the seat of government; that it should have appellate jurisdiction only, except in cases relating to the revenue, in cases of *mandamus* and in such cases of impeachment as might be required to be tried before it; that the court should consist of a Chief Justice and three Associates, with a provision that the number of Justices might be increased by the General Assembly after the year 1824.

It provided that the Justices of the Supreme Court and the judges of the inferior courts should be appointed by joint ballot of both branches of the General Assembly, and commissioned by the Governor, and hold their offices during good behavior until the end of the first session of the General Assembly, which should be begun and held after the first day of January, 1824, at which time their commissions should expire, and until that time the Justices



of the Supreme Court should hold circuit courts, but after that time the Justices of the Supreme Court should be commissioned during good behavior, and should not hold the circuit courts, unless required by law.

The salaries of the first judges were fixed at \$1,000. It provided that the judges thereafter appointed should have adequate and competent salaries, which should not be diminished during their continuance in office.

The first General Assembly of the new State met at Kaskaskia on the 5th day of October, 1818, and on the 9th day of October selected our first Supreme Court, by appointing Joseph Phillips Chief Justice, and Thomas C. Browne, John Reynolds and William P. Foster Associate Justices. Under the provisions of the Constitution they were to hold their respective offices until the end of the first session of the General Assembly, which should be begun and held after the first day of January, 1824.

William P. Foster, on the 7th day of July, 1819, resigned his position as Associate Justice, and William Wilson was, on the 7th day of August, 1819, appointed to succeed him.

Chief Justice Phillips, on the 4th day of July, 1822, resigned his position to become a candidate for Governor, and Thomas Reynolds was, on the 31st day of August, 1822, appointed to succeed him.

The Court as thus constituted continued until the convening of the first session of the General Assembly, which met after the first day of January, A. D. 1824. On the 30th day of December, 1824, the General Assembly appointed William Wilson Chief Justice, Thomas C. Browne, Samuel D. Lockwood and Theophilus W. Smith Associate Justices, who were all commissioned January 19, 1825. The Court as thus constituted continued until 1841, when the number of Associate Justices was increased to eight.

The General Assembly of 1824 provided that the Supreme Court should perform appellate duties only, and reduced their salaries to \$800.00 per annum. An Act was passed dividing the State into five judicial circuits, and judges were appointed to hold the circuit courts.

In addition to the judicial duties of the Supreme Court the

judges were directed by the General Assembly to prepare a revision of the laws, and report to the next General Assembly.

It was found, however, that the duties thus imposed upon the Supreme Judges were not sufficient to occupy their time, and the people felt that they were not earning the salaries provided for them. During this time there were many exciting political questions before the people. The circuit judges took a lively interest in their settlement, and the people felt that they permitted their interest in these questions to affect them in the discharge of their judicial duties. For these reasons the circuit courts became unpopular, and the General Assembly, on the 12th day of January, 1827, repealed the Act creating the circuit courts, and again required the Supreme Judges to perform circuit duties, and increased their salaries to \$1,000.00 per annum. The Supreme Judges performed the circuit duties until the 7th day of January, 1835, with the exception that on the 8th day of January, 1829, the General Assembly appointed a circuit judge to aid them in holding circuit court, and fixed his circuit north of the Illinois River.

On the 7th day of January, 1835, the General Assembly passed an Act relieving the Justices of the Supreme Court from circuit duties, and appointed other judges to hold the circuit courts. This condition continued until the 10th day of February, 1841, when the General Assembly repealed all former laws authorizing circuit judges to hold the circuit courts, and appointed five additional Associate Justices of the Supreme Court, and again required the judges of this court to perform the circuit duties. This condition continued until the adoption of the Constitution of 1848. The five additional Associate Justices appointed were Thomas Ford, Sidney Breese, Walter B. Scates, Samuel H. Treat and Stephen A. Douglas, who were all commissioned February 15, 1841. They, with Chief Justice Wilson and Associate Justices Samuel D. Lockwood, Thomas C. Browne and Theophilus W. Smith constituted the court.

William Wilson continued as Chief Justice, holding his office until the adoption of the Constitution of 1848. Samuel D. Lockwood, Thomas C. Browne and Samuel H. Treat continued as Associate Justices until 1848.

Thomas Ford, on the first day of August, 1842, resigned, on his election as Governor of the State. John D. Caton was, on the 20th day of August, 1842, appointed by the Governor to succeed him, and continued in office until the 6th day of March, 1843, when John M. Robinson was appointed by the General Assembly, who continued in office until the day of his death, April 27, 1843.

On the second day of May, 1843, John D. Caton was re-appointed by the Governor to succeed Justice Robinson, and on the 17th day of February, 1845, he was appointed by the General Assembly and continued in office until 1848.

Sidney Breese, on the 19th day of December, 1842, resigned as Associate Justice, on his election to the United States Senate, and James Semple was, on the 16th day of January, 1843, appointed by the General Assembly to succeed him, and continued in office until August 16, 1843, when he resigned, and on the same day James Shields was appointed by the Governor to succeed him, who continued in office until the 2d day of April, 1845, at which time he resigned, and Gustavus Koerner was appointed by the Governor to fill the vacancy thus occasioned. Justice Koerner continued in office under this appointment until the session of the General Assembly in 1845-46, when he was appointed by that body, and continued in office until 1848.

Theophilus W. Smith resigned his position on the 26th day of December, 1842, and on the 4th day of February, 1843, Richard M. Young was appointed by the General Assembly to succeed him, and continued in office until January 26, 1847, when he resigned, and Jesse B. Thomas, on the 27th day of January, 1847, was appointed by the General Assembly, and continued in office until 1848.

Stephen A. Douglas, on June 28, 1843, resigned, and Jesse B. Thomas was, on the 6th day of August, 1843, appointed by the Governor to succeed him. He continued in office under this appointment until August 8, 1845, when he resigned, and Norman H. Purple was appointed by the Governor to succeed him. Justice Purple continued under this appointment until December 19, 1846, when he was appointed by the General Assembly, and continued in office until 1848.

Walter B. Scates, on January 11, 1847, resigned, and was succeeded by William A. Denning, who was appointed by the General Assembly on the 19th day of January, 1847, and served until 1848.

It thus appears that William Wilson was Chief Justice, Thomas C. Browne, Samuel D. Lockwood, Samuel H. Treat, John D. Caton, Norman H. Purple, Gustavus Koerner, Wm. A. Denning and Jesse B. Thomas were Associate Justices at the time of the adoption of the Constitution in 1848.

Time will not permit an extended discourse on the lives and work of these judges, but we desire to make some special reference to them.

Joseph Phillips, our first Chief Justice, was a native of Tennessee. He was a captain in the regular army during the war of 1812. Later he was Secretary of the Illinois Territory, and resided at Kaskaskia. Shortly after his defeat as a candidate for Governor he returned to Tennessee, and but little is known of him after that. His contemporaries speak of him in the highest terms as a man, and no doubt he was a fair lawyer. Governor Reynolds, in his "My Own Times," says of him: "He possessed a fine classical education, had been educated for the law, possessed good talents and a good character."

From the records of the Supreme Court we have but little opportunity to judge of his ability. While he was Chief Justice there were four sessions of the court. At the first he was not present. There are sixteen cases of these sessions reported. All of the opinions are "by the Court," and are a credit to that body. Doubtless some of them were written by the Chief Justice.

Thomas C. Browne is the only judge who remained continuously on the bench while the Constitution of 1818 was in force. He was a native of Kentucky, came to Illinois in 1812 and located at Shawneetown. Justice Scott, in his history of the first Supreme Court of Illinois, says of him:

"All lawyers at that early day seem to have had quite as much if not more fondness for politics than for the law. Judge Browne was no exception to that general rule. Within two years after coming to the Illinois Territory he entered upon the work of office

seeking and office getting—a work in which he was quite successful. He did not practice his profession for any great length of time. Office-seeking seems to have been a mania of that period, and became a mad passion with all professional men—lawyers, doctors, and even ministers of the gospel became attracted within the maelstrom of politics.”

He served in the Territorial Legislature, was a district attorney before his appointment upon the supreme bench. But little is known of him after his retirement to private life. Governor Reynolds, who served with him upon the bench, says:

“Honor, integrity and fidelity are prominent traits in his character.”

No doubt Justice Browne was an upright honorable judge, but during his long service upon the bench he left no traces of extraordinary ability as a judge. There was an attempt made in the General Assembly of 1843 to impeach him for want of capacity to discharge the duties of his office. There appeared, however, to be no foundation for this charge, and the move seems to have been actuated by his political enemies. It has often been reported that Justice Browne, during his thirty years of service upon the bench, wrote no opinions, but this report is without foundation. It is doubtless true that he was quite willing to permit his associates to perform the greater part of the work because they seem to have written more than their share of the opinions, and he does not appear to have taken any part in the revision of the laws.

John Reynolds was born in the State of Pennsylvania, February 26, 1788; came to Illinois with his parents in February, 1800, and resided at Cahokia, in St. Clair County. He afterwards attended school near Knoxville, Tennessee, and acquired what he termed a classical education. His writings, however, bear no evidence of a knowledge of the classics. It would not be unreasonable to suppose, however, that he acquired his style of writing from the old Roman who used such expressions as “quartering Gaul into three halves.” He was admitted to practice law at Kaskaskia in 1812. Shortly thereafter he entered the service of the government as a ranger in the war of 1812, in which service he acquired the

*sobriquet* of "The Old Ranger." After his retirement from this service he opened a law office at Cahokia, and gave some attention to the practice.

He claims that at the time the new State was organized he had no political ambitions, but it appears that when he was inoculated with the virus it "took," for shortly thereafter he became one of the most inveterate office-seekers the State has ever had. In speaking of his election as an Associate Justice, he says:

"At the time of the session of the first Legislature I resided at Cahokia, and had not the least intention of visiting the Legislature at all. I cared very little who was elected to office. One thing was, I courted nothing for myself. My friends urged me to visit, with them, the General Assembly, in session at Kaskaskia, and I did so. When we reached the Legislature there was great excitement in relation to the election of officers of the General Assembly. I had been in Kaskaskia only a few days when it was urged on me to know if I would accept a judgeship if I was elected. This broke in on me like a clap of thunder. I was, in truth, persuaded to become a candidate for the office. I had a great many personal friends, both in and out of the Legislature, who urged me much to consent to offer. The material for the bench was not as good as it might be."

It cannot be said of Governor Reynolds that he appeared at his best upon the bench. He admits himself that he was hardly qualified for the high position and, with some apparent pride, confesses his lack of dignity. He says his first court was held at Covington, in Washington County. It was to him a strange and novel proceeding. The Sheriff, who was an old comrade of his in the ranger service, opened the court while sitting astride a bench in the court house, and proclaimed, without rising, that "the court is now opened, and John is on the bench."

Many stories are told of undignified proceedings that took place in his courts. Many of them doubtless are mere fabrications, yet they illustrate the impression that the people had of his undignified bearing upon the bench. Governor Ford, in his history, tells one of these stories:

He says it became the painful duty of Judge Reynolds to pronounce the death sentence upon a prisoner by the name of Green, while holding court in Madison County. In doing so he said: "Mr. Green, I want you and all your friends down on Indian Creek to know that it is not I who condemns you, but it is the jury and the law!" He then stated that he would like to give the prisoner all the time possible to prepare for death, and inquired of him when he would like to be hung. He impressed upon the prisoner the fact that being hung was quite a serious matter, and could only occur once in a lifetime. He then requested the clerk to consult an almanac and ascertain whether or not four weeks from the day on which the court was sitting would be on Sunday, and after being informed that it would be on Thursday, he notified the prisoner that he would be hung four weeks from that day.

Judge Reynolds, in referring to these stories, says: "I may not have acted in that frigid, unfeeling and mechanical manner that would please heartless and superficial men who generally write and detail these tea-pot slanders. Many critics, some authors and fault-finders whose scholastic achievements are generally whipped into them at school, without a spark of 'nature's fire' to illuminate their dreary tracks through life, look back at everything ancient in Illinois with ill-nature and contempt. These critics would find fault, I suppose, with the impolite and uncourtly manner of the unfortunate men when they are writhing on the gallows in the agonies of death, that they did not die according to forms in the books."

After Judge Reynolds retired from the bench he rendered a valuable service to the State and Nation. He served for several terms in the Illinois Legislature, one term as Governor, and for seven years in the lower House of Congress. In all these positions he was a faithful servant. He, however, performed no service that is appreciated more than his works on the early history of Illinois.

William P. Foster was appointed Associate Justice by the General Assembly October 9, 1818, and served until July 7, 1819, when he resigned. There was no session of the Supreme Court while he was a member of the same, and it does not appear that he

discharged any judicial duties while a member of that body. But little is known of his life, either before or after his connection with the court. It appears, however, that he had no knowledge of the law, that he had been in the State only about three weeks prior to his appointment, and that he was a polished swindler. The fraud that he accomplished on the General Assembly of Illinois must have been one of the most successful efforts of his life. To have that body appoint him to one of the highest positions in the State without any qualifications whatever upon his part, and enable him to draw nearly a year's salary without performing any services was an accomplishment of which any swindler might well feel proud.

William Wilson was born in Virginia in 1795; came to Illinois in 1817, and resided near Carmi, on a farm. Justice Wilson was well educated in the law. In addition to this he had a natural judicial mind, was a felicitous writer, and rendered a valuable service upon the bench. His services as Associate Justice were so satisfactory that the General Assembly unanimously appointed him Chief Justice in 1824, in which position he continued until the adoption of the Constitution in 1848—the longest continuous service that has been rendered in our State by a Chief Justice—and during the turbulent times through which the court passed while he was its presiding officer it had the respect and confidence of the people. He was only a lawyer and a judge; he knew nothing of the arts of the politician, and did not undertake to practice them. He secured his positions upon the bench through his merits. He made some pretensions at farming, but it appears that he was more of what Mr. Bryan calls an agriculturist. It is said that he came into Carmi one day and told an incredible story about the size of some pears that were growing upon one of his trees. When some of his friends went out to his farm to verify his story they discovered a gourd vine growing up the pear tree, and what he had taken for pears of unusual size were found to be gourds.

Thomas Reynolds was born in Kentucky in 1796. He came to Illinois while it was a territory, and filled the offices of Clerk and Speaker of the House of Representatives. He was a profound lawyer, and his work upon the bench was highly satisfactory.



While he was the presiding officer of the court the opinions were accredited to the judges who wrote them. There were three terms of the court held at which he presided, and thirty-one cases reported. It appears that he wrote his full share of the opinions in these cases, and they do him credit as a lawyer and a judge. Shortly after the expiration of his term he moved to the State of Missouri, where he served a while as a circuit judge, and in 1840 was elected Governor, and died while in this office. At the time of his death he was a candidate for United States Senator, and doubtless would have been elected. He is sometimes referred to as a brother of Governor John Reynolds, but, in fact, they were not related.

Samuel D. Lockwood was born in the State of New York, October 2, 1789, and came to Illinois in 1818. He first resided at Kaskaskia and afterwards at Carmi. Shortly after his elevation to the bench he moved to Jacksonville. He died at Batavia, April 23, 1874. His opinions show that he had a thorough knowledge of the law and a well trained judicial mind. Upon the bench he ranked with Chief Justice Wilson. He performed a valuable service in the revision of the laws of the State, and it is said that our criminal code is largely the result of his work.

Theophilus W. Smith was born in New York, September 18, 1784, and came to Illinois in 1816, and for a long time resided at Edwardsville, in Madison County. There is no question but what Justice Smith was a good lawyer. His work and influence upon the bench were somewhat impaired on account of his political ambitions. Governor Ford, who seems to have taken a delight in hunting up the imperfections of his contemporaries and recording them in his history, says of Judge Smith:

"He was an active, bustling, ambitious and turbulent member of the Democratic party. He had for a long time aimed to be elected to the United States Senate. His devices and intrigues to this end had been innumerable. In fact, he never lacked a plot to advance himself or blow up others. He was a laborious, ingenious schemer in politics."

On account of his intense interest in political questions it is quite likely he was not as impartial in his decisions as he should

have been, and he may have been somewhat overbearing in his circuit work. On this account there was an effort made to impeach him in the Legislature of 1833. There were seven charges preferred against him. The first three reflected upon his honor as a judge; the others related to arbitrary and oppressive acts while upon the bench. The trial lasted for nearly a month. Davidson, in his history, says:

"Pending the trial, the defendant after each adjournment had the desks of senators carefully searched for scraps of paper containing scribblings concerning their status upon the respective charges. Being thus advised, the counsel enjoyed peculiar advantages in the management of the defense." He was defended by Sidney Breese, Richard M. Young and Thomas Ford, all of whom afterwards became judges of the Supreme Court. He was acquitted of these charges, and afterwards the House undertook to remove him under the provision of the Constitution, but failed in the Senate.

While he can be justly criticised for these indiscretions, and possible irregularities, he could, like Bacon, say that his decisions upon the Supreme bench were sound, and announced the law.

Thomas Ford was born at Uniontown, Pennsylvania, in 1800, and came with his mother to Illinois in 1804. The family for some time resided in Monroe County. Daniel P. Cook discovered his abilities and persuaded him to study law, and aided him in securing an education. After his admission to the bar he was District Attorney, was twice appointed Circuit Judge, which positions he filled with credit to himself. He discharged his duties upon the bench very satisfactorily, and his opinions were sound and show him to have been an able lawyer. He was more of a judge than a politician, and was more successful upon the bench than as an executive of the State. His experience with the intrigues and schemes of politicians embittered him against all his former friends with whom he had maintained pleasant relations while upon the bench. He seemed to feel that he owed most of them a debt, and undertook to pay them off by writing a history of Illinois. In writing this work he used a vitriolic pen and overlooked a great deal of the good in the public men of his time that he might have mentioned. On this

account his history can hardly be said to be reliable. After his retirement as Governor he resided in Peoria, and died there November 2, 1850.

Sidney Breese was born in Oneida County, New York, July 15, 1800. Graduated at Union College at the age of eighteen, and immediately came to Illinois. For a time he resided at Kaskaskia, where he met Elias Kent Kane, with whom he studied law. Was admitted to practice in 1820. He published the first volume of the Supreme Court reports. He served as a member of the Legislature and was appointed Circuit Judge in 1835, and remained upon the circuit bench until his appointment on the Supreme bench. Upon the supreme bench he maintained himself with great credit. Governor Palmer, in his "Bench and Bar" says of him. "Judge Breese looked a judge while on the bench; he was industrious, prompt, energetic and patient. He knew the law and applied it to the cases before him. He was a profound judge, but lacked the elements of a successful politician. His diction was stately and accurate and his opinions, when read, will be found to be energetic, forceful and expressed in the best words of the English language." He manifested statesmanlike ideas while in the United States Senate, and claims credit for the organization of the Illinois Central Railroad Company, and other important measures. On the 3d day of November, 1857, he was returned to the supreme bench and remained there until the date of his death, which occurred on June 27, 1878. He was, as he said he desired himself to be—"every inch a judge."

Walter B. Scates was born in Halifax County, Virginia, January 18, 1808; came to Illinois in 1831 and resided at Shawneetown. He was Attorney General and Circuit Judge before his elevation to the supreme bench. In addition to his work upon the supreme bench he rendered great service in the compilation and revision of the statute laws. His opinions show him to have been one of our best early judges. Governor Palmer, in speaking of him, says: "Few men of our State have been more intimately connected with our politics and jurisprudence. No worker in those fields was more laborious, faithful or painstaking, nor did any of his honored colleagues achieve greater respect among his fellows or more public appreciation than Judge Scates."

Judge Treat, who served with him on the bench and knew him well, says: "Judge Scates was as honest and conscientious a man as I have ever known."

He again served upon the supreme bench after the adoption of the Constitution in 1848. After his retirement from the bench he engaged in active practice, and was regarded as one of the great lawyers of the State until the day of his death, which occurred at Evanston, October 26, 1886.

Samuel H. Treat was born in Otsego County, New York, on the 21st day of June, 1811, and came to Illinois in 1834, settling at Springfield, where he resided until the day of his death, which occurred March 27, 1887. Before his elevation to the supreme bench he had filled the position of Circuit Judge. While upon the bench he maintained himself with great credit. His opinions are clear, concise statements of the law, and are the evidence of a well trained legal mind. His work upon the bench under the Constitution of 1818 was so satisfactory that upon the adoption of the Constitution of 1848 he was again elected one of the Justices of that Court, which position he held until March 23, 1855, when he resigned to accept the position of Judge of the District Court of the United States for the Southern District of Illinois, in which position he remained until the date of his death.

Stephen A. Douglas was born at Brandon, Vermont, April 23, 1813, and came to Illinois in the fall of 1833, and shortly thereafter was admitted to the bar. Before his elevation to the supreme bench he had been a member of the Illinois Legislature, District Attorney and Secretary of State. There is no doubt but what, had he devoted himself to judicial duties, he would have been a great judge. These duties, however, were not to his taste, and it is as a statesman that he distinguished himself. Governor Palmer, in his work, says of him: "I have said before that Judge Douglas, both by his conduct on the circuit, and through the opinions of the Supreme Court written by him, evinced great capacity, and he would, had he not devoted himself to politics, have made an eminent judge."

John D. Caton was born in Monroe, Orange County, New York, March 9, 1812, and in 1833 came to Illinois and located in

Chicago. His first judicial office was that of justice of the peace. He was only thirty years of age when he first served upon the supreme bench. On the adoption of the Constitution in 1848 he was again elected one of the Supreme Judges. A great many of our lawyers regard Judge Caton as one of our best judges. In addition to possessing a thorough knowledge of the law, he was a graceful writer. Besides his judicial achievements, he was very successful in his business ventures. After his retirement he resided upon a farm near Ottawa. He, however, at the same time maintained his home in Chicago, where he died July 30, 1895.

James S. Semple was born in Green County, Kentucky, January 5, 1798, and came to Illinois in 1818, and resided for a short time in Edwardsville, after which he returned to Kentucky, and for a short time thereafter lived in Missouri, returning to Edwardsville in 1828, where he practiced his profession. He served as a member of the Legislature, was twice elected Speaker of the House, was Brigadier General in the Black Hawk war, was Attorney General, and served a while in the diplomatic service before his elevation to the supreme bench, and afterwards filled the unexpired term of Judge MacRoberts in the United States Senate.

He retired to his estate on the Mississippi Bluffs, where he died December 20, 1866. Justice Semple was regarded as a good lawyer, and made a very creditable judge.

Richard M. Young was born in Kentucky in 1796 and came to Illinois at an early date, locating at Jonesboro, Union County. He was admitted to the bar in 1817; served a term in the Legislature, was afterwards elected Circuit Judge, and afterwards moved to Quincy. Was elected United States Senator in 1837; served one term. Resigned his position on the supreme bench to accept the appointment as Land Commissioner at Washington. He was afterwards Clerk of the House of Representatives at Washington.

His closing years were spent in an asylum at Washington, where he died in 1853.

He made a very acceptable Circuit Judge, and ranked well as a member of the Supreme Court.

John M. Robinson was born in Scott County, Kentucky, in

1794. Came to Illinois in 1818, taking up his residence at Carmi, where he engaged in the practice of the law. He was a thorough lawyer, and before his elevation to the supreme bench was elected to the United States Senate, to fill the unexpired term of John McLean, and in 1834 was re-elected for a full term. Three months after his appointment to the supreme bench he died at Ottawa, in 1843, where he had gone to attend a session of the Supreme Court. He never performed any services upon the bench.

Jesse B. Thomas was born at Lebanon, Ohio, July 31, 1806. He was educated at the Transylvania University, after which he came to Illinois and first practiced law at Edwardsville, Madison County. He served as Circuit Judge and presided at the trial of the assassins of Joseph Smith. After the expiration of his term upon the supreme bench he served a while as Circuit Judge in Cook County. From the number of times he was elected Circuit Judge his services seem to have been very acceptable, and he made a very creditable Supreme Judge. He died in Chicago, February 21, 1850, where he had been engaged in the practice of law after his retirement from the bench. He was a nephew of Jesse B. Thomas, who was one of the Territorial Judges and one of the first United States Senators.

James Shields was born in Ireland in 1810; emigrated to the United States in 1826; studied law and began the practice of his profession at Kaskaskia in 1832. He served a term in the Illinois Legislature and was Auditor of the State before his elevation to the supreme bench. After his retirement from the bench he rendered valiant service in the Mexican war and in the late rebellion; was Governor of the Territory of Oregon. He was a roving statesman, and has the unique record of having represented three States in the United States Senate, viz: Illinois, Minnesota and Missouri. General Shields was a good lawyer, and made an acceptable judge, but he attained greater distinction in the military service and as a statesman than he did upon the bench. He died in Ottumwa, Iowa, June 1, 1879.

Norman H. Purple was born in Litchfield County, Connecticut, March 29, 1803; came to Illinois in July, 1837, and located in

Peoria. Shortly thereafter he was appointed District Attorney, and soon became one of the leading lawyers of the State. He fully sustained himself while upon the supreme bench. At the end of his term he returned to Peoria from Quincy, where he resided while in the discharge of his judicial duties, and again entered into active practice. He rendered a valuable service to the bar in his compilation of the statutes of Illinois. He died at the Sherman House in Chicago, August 9, 1863.

Gustavus Koerner was born in Frankfort-on-the-Main, November 20, 1809. He was educated at Heidelberg; was a student of that institution during the revolution of 1830, and became one of the student revolutionists. He came to America in 1833—an exile from his native country—and located at Belleville, St. Clair County, Illinois, where he resided until the day of his death, which occurred April 9, 1896. He was educated in the law at Heidelberg and Lexington, Kentucky, and was one of the most scholarly men that ever graced our supreme bench. He was an able, fearless and upright judge, and the roll of the great lawyers and judges of Illinois can not be called and omit the name of Koerner. Upon his retirement from the bench he resumed his practice at Belleville. He was afterwards elected Lieutenant-Governor, served his country in the War of the Rebellion, was minister to Spain, and was one of the first railroad and warehouse commissioners. He filled all of these positions with credit to himself. As a rule, a judge is like a prophet—his honors are not to be found among his neighbors—but Justice Koerner was exception to this rule. He was so polished, so finished, and his information was so universal that his associates, like Goldsmith's villagers, looked up to him and wondered how "one small head could carry all he knew."

William A. Denning was a native of the State of Kentucky; came to Illinois about the year 1830 and located in Franklin County, where he engaged in the practice of law. Before his elevation to the bench he was appointed District Attorney and served two terms in the Legislature. After his retirement from the supreme bench he served a term as Circuit Judge in the Third judicial circuit.

Judge Denning was a good lawyer and ranked well as a Supreme Judge. He died in Franklin County, October 14, 1856.

These pioneers of the law blazed the way and laid the foundation of our jurisprudence. For the manner in which they discharged their duties the bench and the bar of today owe them a debt of gratitude, and if we are to be judged by expressions of appreciation to be found in the proceedings of the Supreme Court this debt has been poorly paid. The lives and work of many of them have received no mention, and the Supreme Court is to be commended for the performance of this somewhat tardy duty.

To fully appreciate and understand the work accomplished by the judges of the Supreme Court under our first Constitution, it is well that we recall the conditions that existed at the time they began their labors, and the questions that were presented to them for solution.

That section of country now comprising the State of Illinois was first settled by the French. Long before the State's admission into the Union there were French settlements along the eastern shores of the Mississippi River at Cahokia, Fort Chartres, Kaskaskia, and other less important points. While this territory was under the control of the French government, laws as administered in France under the customs of Paris prevailed. These laws were largely derived from the civil laws of Rome, and the people were contented with their provisions. They knew nothing of the common law, with its jury system, and other so-called rights of the people. This condition existed until the time when the territory comprising the State of Illinois was ceded by France to Great Britain, after which the common law prevailed.

The judges and magistrates under the French law were looked upon by these people as rather above the ordinary, and their decisions and judgments were respected. They looked upon a trial by a jury of their peers, composed of tradesmen and farmers, as the height of absurdity, and a great retrogression in the administration of justice.

Their clamor became so great that Parliament restored the ancient French laws and dispensed with the trial by jury. This condition existed until British dominion ended in this territory and it was ceded to Virginia.



Shortly thereafter the Assembly organized the County of Illinois and courts modeled after those in the counties of Virginia were established. These courts continued until the territory was ceded to the Union, and thereafter Congress passed the famous Ordinance of 1787 for the government of the Northwest Territory, of which Illinois was a part. This Ordinance provided for the appointment of three judges, with common law jurisdiction, and the establishment of right of trial by jury. It, however, saved to the French inhabitants the laws and customs that had theretofore been in force among them in relation to the descent and conveyance of property.

Governor Arthur St. Clair established courts as provided by the Ordinance. It does not appear, however, that until 1790 any courts were held within the present boundaries of the State of Illinois, and the French settlers were left largely to their own government, and it was a little difficult to determine what laws actually were in force among them.

In February, 1790, the Governor arrived at Kaskaskia and organized the County of St. Clair. Judges were appointed, who abolished the civil law and customs of Paris and completely re-established the common law, greatly to the dissatisfaction of the French people.

In 1800 the Territory of Indiana, of which we were a part, was organized. Courts were established that administered the common law until the organization of the Illinois Territory in 1809, in which the administration of the common law was continued until our admission into the Union as a State in 1818.

Doubtless there is no section in the Union in which the laws were more unsettled and more vacillating from one system to another than they were in that section comprising Illinois before its admission into the Union.

The territorial officers did much towards bringing judicial order out of chaos. Governor Ninian Edwards was a trained lawyer, and Judges Jesse B. Thomas, William Spriggs, Stanley Griswold, Thomas Towles and the other federal judges were learned in the law. They organized and maintained courts of a high order, and by the dignified manner in which these territorial judges admin-

istered justice they brought respect for the law and no doubt lightened the load that fell upon the shoulders of our first supreme judges.

Some lawyers of the present time undertake to minimize the work of our early judges by contending that the matters submitted to them for determination were unimportant and of no great concern. This is a mistaken idea. It is true that the amounts involved were not so great as in later litigation, but the principles were the same; and it should be borne in mind that these early judges were engaged in formulating and laying down principles of law. Complaints are often made that their opinions are too short, and that this indicates that they did not measure up to the standard of the later judges. No just unfavorable criticism can be passed upon them or their work on this account. A large portion of a modern lengthy opinion is taken up in the recitals of precedents, and, as a rule, no great portion is occupied in the argument of primary principles of law. Our early judges had but few precedents to cite; in fact, they were employed in precedent making.

Their decisions in the main were clear and concise statements of legal principles, and are, as a rule, maintained as the law to this day.

Their opinions are reported in the first nine volumes of the Supreme Court Reports. They include Breese's Report, the four Scammon Reports, and the first four Gilman. These volumes may well be called the foundation upon which our judicial system is constructed. They contain 1,178 reported cases, many of which involved and settled important matters. Many important provisions of the Constitution were construed. Some of them so engrossed the people that they were not easy of solution. The slavery question, ever a burning issue, gave them no little trouble. The Constitution, notwithstanding the provisions of the Ordinance of 1787, permitted the indenturing of servants. This fastened upon the people a system of limited slavery, and the status of indentured servants and their children had to be fixed. While the federal fugitive slave laws had to be observed, yet the rights of a slave voluntarily brought within the borders of the State had to be determined long before

the Dred Scott decision. It was during these exciting times that Elijah P. Lovejoy was assassinated at Alton.

The Mormon troubles gave them no little concern. Joseph Smith, the Mormon prophet, and his brother Hiram were assassinated.

The Black Hawk War occurred during this period. The Indian, while he remained, was always troublesome, and yet he had rights that had to be protected.

The people kept themselves worked up to a high tension on these questions, and it was worth the political life of a judge to decide many of these matters when they found their way into the courts, but it can be said of the supreme judges that, as a rule, they measured up to the situation and decided these political questions, as they did all others, without fear or favor.

The Supreme Court of the State of Illinois has always stood high in the estimation of judges of other states, and it was such judges as Wilson, Lockwood, Breese, Caton, Treat, Scates, Koerner, Purple and others that we have here mentioned that caused it to take a high rank in the beginning.

CHIEF JUSTICE VICKERS: The next address will be delivered by the Hon. Stephen S. Gregory of Chicago, upon the Supreme Court under the Constitution of 1848.

The address is as follows:

MR. S. S. GREGORY: I am not certain that the mere dry statement of what, if not familiar, is at least accessible to all, possesses much of interest for an occasion of this character.

Yet perhaps some such outline is necessary; and besides it may afford a kind of compendious view of the changes in the constitution and membership of the Court that will suggest and recall to the older members of the profession and those familiar with the history of our State much more than is here set down.

By Section Two of Article Five of the Constitution of 1848, it was provided that the Supreme Court should consist of three Judges; by Section Three that the State should be divided into three Grand Divisions and that one Judge should be elected from each division; by Section Four that the office of one of the Judges

should be vacated after the first election held under that Article in three years, of one in six years, and one in nine, this to be determined by lot, so that one Judge should thereafter be elected every three years for the full term of nine years. The first election was held September 4, 1848, the second in June, 1852, and the regular time for the election was every three years thereafter. The Constitution provided that the terms of the Judges first elected should begin on the first Monday of December, 1848, but made no provision as to the six months between December and June.

This was covered by an act of the General Assembly, declaring that the Judges should continue in office until their successors were elected and qualified.

At the first election Judge Caton and Judge Treat, who were members of the Court, and Lyman Trumbull were elected from the Third, afterwards the Northern, the Second, afterwards the Central, and the First, afterwards the Southern, Grand Divisions, respectively. Judge Treat was by lot selected for the full term of nine years, Judge Caton for six, and Judge Trumbull for three. The new Court convened for the first time at Mount Vernon in December. Judge Trumbull resigned as of July 4th, 1853, and Walter B. Scates was elected as his successor June 5th, 1854.

Judge Treat resigned March 23rd, 1855, having been appointed District Judge of the United States for the Southern District of this State, and was succeeded by Onias C. Skinner, elected June 4th, 1855. Judge Scates resigned in the spring of 1857, and Sidney Breese was elected as his successor November 3rd of that year. Judge Skinner resigned April 19th, 1858, and on the same day Pinkney H. Walker was appointed as his successor.

Judge Caton resigned January 9th, 1864, after a service of nearly twenty-two years. Corydon Beckwith was appointed as his successor January 7th, 1864, serving until June 6th of the same year, when, his term having expired, Charles B. Lawrence was elected to succeed him. These three Judges, Walker, Breese and Lawrence, constituted the Court from that time until it was reorganized under the present Constitution.

No very material changes in the jurisdiction of the Court were

made by the Constitution of 1848, though its original jurisdiction was extended to embrace proceedings on habeas corpus. The decisions of the Court under that Constitution are contained in volumes 10 (5 Gilman) to 54 of the Illinois Reports, both inclusive.

It would be a pleasure, did time and the occasion permit, to say something of each one of the Judges who sat upon the Court during this period. I can refer briefly only to three of them. Lyman Trumbull was perhaps the greatest constitutional lawyer that we ever had in this State. He had a clear, penetrating, logical, yet comprehensive mind, and was admirably adapted for judicial office. His vote, as a Senator of the United States, against the conviction of the President, Andrew Johnson, upon impeachment, demonstrated at once his impartiality, his fidelity to the law, and that high and signal courage which are the indispensable requisites of a great Judge.

Charles B. Lawrence was one of the most accomplished and scholarly men that ever adorned our bench. He had a fine sense of justice, extended professional attainments, and an excellent literary style, and his opinions are not inferior to any found in our reports.

Pinkney H. Walker was a man of a different type. His critics sometimes accused him of some lack of technical knowledge and accuracy of expression upon minor points. But he was a man of force and character, of strong popular instincts and impulses, in the best sense of the word a true Democrat, and with a broad and comprehensive grasp of the fundamental principles of the law which, on all great public questions, almost invariably conducted him to sound conclusions.

The period during which the Constitution of 1848 was in force was fraught with great events in this State and indeed throughout the world.

Illinois was then a great agricultural rather than a trading and commercial commonwealth.

Its institutions had rather a bucolic flavor at the beginning of this epoch, and indeed the decisions of the Court were sometimes thus colored.

Printed abstracts were first required in 1855, when the agenda

docket was introduced, and printed briefs followed the next year. The Justices received the munificent salary of \$1,200.00 per year. The State was then almost as parsimonious in this regard as the Nation is today.

Did time permit, I could wish to say something of the great lawyers who practiced before the Court; but I must not stop even to name them. Their learning and talents were no inconsiderable factor in contributing to the strength and solidity of the judgments of the Court. Among the cases establishing anomalous rules in this State, and which must be attributed, I think, either to our rural environment or our isolation from the older and more highly developed States are:

*Railroad Co. v. Jacobs*, 20 Ill. 478, creating in 1858 the fantastic doctrine of comparative negligence, which survived until 1885.

*Munn v. Burch*, 25 Ill. 21—where in an able opinion, contrary to the law almost everywhere else, the right of a checkholder to sue the bank on which a check is drawn is upheld—a rule but recently changed by statute.

In his opinion in that case Judge Caton used this weighty language:

“Commerce cannot require anything which is unreasonable and unjust; but what experience shows that her convenience does require, that she will have, for it will be still adhered to by the common consent of the commercial world; and if the courts should refuse to enforce it with the few who refuse to conform to such a general custom, the moral sense of commercial men will apply its still more coercive influence, which few will withstand.”

*Olds v. Cummings*, 31 Ill. 188, denying to an assignee for value before maturity of a negotiable note, secured by mortgage, the rights of an innocent purchaser in respect of the mortgage security, which is still the law of this State.

Among cases of more general interest is:

*People v. Hatch*, 33 Ill. 9.

It there appeared that on the 10th day of June, 1863, Richard Yates, then Governor, alleging some disagreement between the two

Houses of the General Assembly as to adjournment, assumed to adjourn this body until January, 1865, remarking officially that he fully believed that the interests of the State would be best subserved by a speedy adjournment, "the past history of the present assembly holding out no reasonable hope of beneficent results to the citizens of the State or the army in the field from its further continuance." Possibly something like this might have been said with plausibility on more recent occasions.

The Democrats made a tremendous uproar over this claimed usurpation and endeavored by mandamus to the Secretary of State to procure a decision of the Supreme Court favorable to their contentions.

The Court was then composed of three Democrats, though I think Judge Caton was ill and did not sit in this case. Justices Breese and Walker decided against their party and refused the writ; and it is hardly too much to say that from that day to this partisan bias has never colored nor affected the course of our Supreme Court in any case.

However, in another great case in the same volume in which the constitutionality of the Black Laws of this State prohibiting persons of color from emigrating to or settling here was upheld, the Court was divided, and, I think, on political lines.

Nelson v. People, 33 Ill. 389.

But slavery was not a question of mere partisan politics.

One case growing out of the War may be noted:

Johnson v. Jones, 44 Ill. 142.

Madison Y. Johnson, a leading Democratic lawyer, living at Galena, sued J. Russell Jones, then Federal Marshal for the Northern District of this State, and others, in trespass for false imprisonment. He had been arrested by Jones on the order of the President and conveyed to Fort La Fayette and then to another Fort and imprisoned in all for five months, without trial, warrant, or other accusation than that he was a member of the Knights of the Golden Circle, a treasonable organization in the North in league and sympathy with those in the South engaged in armed resistance to National authority.

The Court held this no justification; and the opinion by Mr. Justice Lawrence is a most admirable, lawyerlike and statesmanlike discussion of the questions involved. In it, among other things, he said:

"We are not unconscious of the fact that the decision which we are obliged to make in the present case, on the facts appearing in the record, attributes to our late lamented President the unlawful exercise of power, and therefore implies a certain degree of censure. None can have a higher appreciation than the members of this court of the unselfish patriotism and purity of motive of that great magistrate. If he exercised a power not given by the Constitution, he undoubtedly did so under a full conviction of its necessity in the extraordinary emergencies wherein he was called to act. But neither our honor for his memory, nor our confidence in his honesty, can be permitted to sway our judgment here. The questions presented by this record must be decided by us as questions of abstract law. If this plaintiff has been wrongfully restrained of his liberty, he has the right to call upon us so to declare, without fear, favor or affection. It is unfortunate that cases having a political or partisan character should come before the courts, but when they do so we must declare the law as we believe it to exist. If we can know any other motive than the simple wish to truly expound it, or if, when our convictions are clear, we should hesitate to declare them without reference to what party it may please, or what offend, we should betray the solemn trusts which the people have committed to this court, and bring dishonor on the administration of justice."

I might speak of other cases, but the occasion does not admit of anything adequate on this subject, and I have merely referred at random to the illustrative cases cited and not as giving even a glimpse of the great volume of important and constructive work of the Court during the twenty-two years in question.

This was indeed a time of building up in the history of our State. In 1848 our population was, approximately, 800,000; it had reached 2,500,00 in 1870. Our great system of railways was first developed in this period; and probably our material progress both in State and Nation was never more rapid and substantial in the same space of time than in these teeming years.



Within this period the first transcontinental railway, really initiated by Judge Breese, was built, the first Atlantic cable was laid, a sound and National currency was established, and there began that astounding progress in the accumulation of National, corporate, and individual wealth which has now reached such a point as almost to pass comprehension.

Yet, as we look back, we find it difficult to turn our attention to these achievements.

For in these years the great contest over human slavery which so engaged our people, after calling forth the glowing eloquence, the profound constitutional learning, and the loftiest philanthropy of teacher, poet, preacher, statesman, and orator was transferred to camp and field, and its fateful issue committed to the dread arbitrament of war. And from that long, titanic, and awful struggle the Nation emerged purified indeed and glorified, but a new and recreated nation, a mighty world power, something different and in a measure strange to us. The old order changeth. It almost seems trite, even in this connection, to refer to the immortal Lincoln. Yet it was before the Court of which I have spoken that he practiced his and our profession. Here was his home and here he rests near the scenes of his early struggles and his glorious triumphs. And how can we here and now escape the thought of him?

Born in obscurity, reared in want and poverty, denied almost all the advantages of education, the plainest of the plain people, he stands today secure in the Pantheon of Nations, the great colossal figure of his age and time. And if now in his own beloved State, the great imperial State of Illinois, we are fallen upon evil days, if wicked men betray public confidence and public trust, may the inspiration of his great character, that full measure of devotion and sacrifice which marked his consecration to the great cause of human freedom and popular government guide and lead our people back from sordid, venal, and unworthy standards to common honesty in their political activities and to a high and patriotic devotion to public and to civic duty.

CHIEF JUSTICE VICKERS: We will now be addressed by Judge William R. Curran, of Pekin, Illinois, President of the State Bar

Association, upon the Supreme Court under the constitution of 1870.

The address is as follows:

## THE SUPREME COURT UNDER THE CONSTITUTION OF 1870.

WILLIAM R. CURRAN.

The great North West territory is peculiarly fortunate in the sources from which it derived its form of government and the races of men from which its people came.

It obtained its conception, of a representative government, safeguarded by a written constitution, from the Pilgrim Fathers who planted the idea on the barren rocks of New England; and the Burgesses of old Virginia who gave the same principles of government nurture on the more fertile lands of a fairer clime. Like two seams of gold in the strata of rock they join on the eastern slope of the Valley of the great river. The conception of government of the Puritan and the cavalier are happily blended here in a "more perfect Union."

The acquisition of the North West territory by George Rogers Clark and his band of intrepid frontiersmen is one of the most momentous facts in the history of modern civilization. Time fails to tell of the great results this event made possible; but not least among the number is the fact that the session, to the general government by the State of Virginia, of this magnificent land, in extent and value the foundation and site of an empire within itself, made feasible the ratification of the Federal Constitution, by the parent states and finally determined that this should be a Nation and not a Confederation.

Within the borders of this garden of the world has mingled the blood of the Puritan, the cavalier and the sons of continental Europe, fused in a common melting pot which has made the strongest and most virile race of men that has ever trod the earth.

How fitting is it then that within this land and by this com-

bination of people, should be founded the "Illini"; with a representative government, based on a written constitution; the first state among the sisterhood of five states founded in the great territory, and that within a period less than a century after the adoption of its first constitution it should stand third among the states of the Nation. This result has followed as the harvest follows seed time, or fulfillment follows prophesy. With this free aggressive, composite, industrious people to build the State, on this fertile sunlit soil, how doubly fitting is it that it should be called Illinois—the land of Man!

In the processes of growth of the State from its virgin wilderness to its present development, her statesmen have been loyal to the landmarks set by the fathers, they have declared by act and deed that among their chief objects in creating a more perfect government was "to establish justice." They understood that:

"Justice, sir, is the great interest of man on earth."

The adoption of a new constitution from time to time has been but the expansion of the fundamental law of the State, to its increased growth, changed needs and environment. The constitution of 1870 in its establishment of courts and the courts that have been created under its provisions, together with the judgments and decrees entered by those courts, since the admission of the State into the Union constitute at this time the answer of Illinois to the question, how shall justice be established among men?

The present constitution was ratified by the people of Illinois; and went into force August 8, 1870; the Supreme Court of the State was organized under this constitution at the September term of the same year. The number of Judges had been increased to seven. Mr. Justice Charles B. Lawrence was chief; the associate justices were Pinkney H. Walker, John M. Scott, Anthony Thorton, Sidney Breese, William K. McAllister, and Benjamin R. Sheldon. The first reported opinion of the court as then organized is, *Mason vs. Burton*, in the 54th Ill. 349. There were on the docket for trial at that term 640 cases; the large number is accounted for by the fact that formerly only two terms of the court were held each year. In addition to these Judges there have served, who are now

deceased, Justices John Scholfield, T. Lyle Dickey, David J. Baker, John H. Mulkey, Damon G. Tunnicliffe, Benjamin D. McGruder, Jacob W. Wilkin, Joseph M. Bailey, Jesse J. Phillips, James B. Ricks, and Guy C. Scott; there have served those who are yet living, Justices Simeon P. Shope, Alfred M. Craig, Joseph N. Carter, Carroll C. Boggs, and the Justices now serving.

The power, influence and importance of a court of last resort, depends somewhat upon its environment; upon the extent of territory over which it exercises jurisdiction; the subject matters of its jurisdiction; the prevalence of peace or war; the number of population; the wealth and business activities of the communities that constitute the State; the stage of development in civilization of the people; the growth of industrial appliances; the mental activity among the people; the means of transportation of materials, people and ideas; the efficiency or lack of efficiency of the prevailing financial system; the law abiding character of the people of the State, together with its conditions of general business prosperity or depression, all have their effect upon the mass and character of the work of the court. They tend to determine not only the number, but the character and importance of the cases submitted for determination, as well as the value and influence of the opinions when rendered.

In these particulars the Supreme Court of Illinois has been profoundly impressed since its re-organization under the constitution of 1870. Then the State had but recently welcomed home from the field of battle her returning sons, and the hearthstone that had not a vacant chair was considered thrice blessed. We had but taken up the duty to assist to bind up the Nation's wounds; to help care for him who had borne the battle, and for his widow and orphan; we had but laid aside the sword and taken up the plowshare. A considerable portion of the State was just turning from blue stem sod to fields, of tasseled corn; the flight of the red deer, and the cry of the prairie wolf were not unknown.

In the two-score years that have elapsed, the population has trebled in number remaining, after helping to populate all the states and territories of the West and Northwest. Transportation

of materials, people and ideas by rail, steam and electric; telegraph, telephone, wireless telegraph, automobile and flying machines, outstrip the imagination; fulfillment to-day is more than handmaid to the prophesy of yesterday. The growth of cities and towns has been a marvel; values of real estate in congested quarters is only equaled by the height and efficiency of the skyscrapers erected on it; agricultural lands are a ready sale at six-fold the price of forty years ago, and these values have shown no shrinkage under the stress of modern life. Wealth has accumulated beyond the dreams of Croesus. Education, civilization, business activity and the multiplication of inventions and mechanical appliances, the growth of the arts and crafts and general business has gone forward with such a rush and a sweep as the world never saw before. So fully was this condition realized that when the State had rounded out, but five more years than the ancient standard of threescore years and ten the world emptied into its lap the cornucopia of its treasures and celebrated the fair of the ages.

When democracy under these conditions is in the throes of growth and the average man is asserting that he is entitled to have, and will have, exactly the same thing on exactly the same terms as any other man; when a large number of men bar the way and say they shall not, the State must needs bear the pains of its growth and her constitution felt the tension of the conflict. Both the rights of things and the rights of persons must be justly safeguarded by the court; and all the parties to the throes and conflicts that ceaselessly follow must be held with a steady hand within the fundamental law of the land.

These conditions have thrown upon the Supreme Court a mass of litigation in the number of the cases, and importance of the questions involved since the adoption of the present constitution almost appalling; and it has been thought in some quarters a menace to the efficiency of the work of the Court. In May, 1881, attention was called in the North American Review to the condition of the docket of the Supreme Court of the United States, and emphasis put on the fact that in that court with nine Judges to dispatch the business of the court, a docket containing an average

of 390 cases a year was a matter of serious consequence. When we consider that the Supreme Court of this State consisting of seven Judges commenced the September term of 1870 with a docket of 640 cases; that in 1877 the Appellate Court of four divisions with twelve Justices was created to relieve the docket of the Supreme Court, and that the Appellate Court in the 34 years of its existence has disposed of more than 16,000 cases reported in 153rd volume of Reports, most of which cases did not reach the Supreme Court either by appeal or writ of error; and further considering that notwithstanding this aid in this work, the reports of this court for the 40 years of its present organization have had added to their number 182 volumes, making the 246th Illinois the last report on the shelf; when we further consider that for more than 15 years the reported opinions of the court have averaged about 600 per year, and that during the fiscal year from December, 1909, to and including October, 1910, five terms of court, there were 693 cases disposed of, including petitions for writs of certiorari to the Appellate Court, in which opinions were not written, making an average of more than two and one-half cases per working day of the court during that period, we commence to get a glimpse of the volume of the work that has been performed by the court in the past and what confronts it now. It is a matter of increasing wonder to the Bar and people of the State that the labor has been so ably, promptly and efficiently performed. When we further consider that at the October Term, 1910, opinions were prepared in every case submitted and that those opinions were all adopted and filed as the final opinions of the court, except nine, then it is truly said that in Illinois justice is not delayed. The oft quoted adage of Mr. Gladstone, "Justice delayed, is justice denied," has not applied to this jurisdiction.

Of the mass of cases decided by far the greater portion have involved only private rights or wrongs, questions of vital and tragic interest to the parties involved but not important to the general public or affecting in any way public rights, but in the perpetuation of a State's Justice to the individual, the weak, the ignorant and the defenseless, is as vital as to the many, the wise, the strong; if this

were not so it would be truly said of us as was said in the dawn of time in the Hebrew tongue, of a like condition:

"Your memorable sayings are proverbs of ashes,  
Your defenses are defenses of clay."

Many of the cases, however, have involved grave constitutional questions and matters of great public moment, that have gone deep down to the sources of feeling and prejudice of the people; the wise and just solution of which was of far reaching effect and rendered more firm and secure the foundations of the State. But brief reference to these can be made.

Municipal corporations have been enjoined from creating indebtedness in excess of the constitutional limit; the franchises of corporations have been declared property for the purposes of taxation; it is against the public policy of this State for a corporation to own real estate beyond what it is necessary for the transaction of its business, was said in the Pullman Car case; it is held that the Constitution of 1870 has reversed the old policy of granting exclusive privileges to corporations of any kind. There is no necessary connection between manufacturing gas and buying stocks; the public policy of the State of Illinois has always been against trusts and combinations organized for the purpose of suppressing competition and creating monopoly; the court has declared that a combination to control the manufacture and sale of all distillery products, so as to stifle competition and dictate amounts manufactured and selling prices, is an illegal attempt to create a monopoly. The anti-trust act of 1891 and the amendments of 1893 are held constitutional and valid. The court has said, "A constitution does not derive its force from the convention which framed it, but from the people who ratified it, and the intent to be arrived at is that of the people and this is found only in the words of the text." As early as 1898 the doctrine was announced "Members of a labor union have no right to insist that another person unite with them or fix his scale of price the same as that of the union, and make his refusal a pretext to break up his business by inducing his customers to break their contracts and stop dealing with him. Every man has the right to full freedom in disposing of his own

labor or capital, any one who maliciously invades that right by misrepresentation, intimidation, obstruction, or molestation is liable for the loss thereby occasioned." It has been held, "When a union and its officers and members agree together to prevent the employer from hiring other persons by calling a strike and using force, threats, intimidation and picketing, they have entered upon an unlawful undertaking which may be enjoined by a Court of Chancery." This court has also said, "Laws which interfere with personal liberty of a citizen and his right to pursue such vocation or calling as he may choose cannot be upheld unless the public health, comfort, safety or welfare demand their enactment." The Supreme Court is vested with a sound legal discretion to determine for itself as the questions may arise whether or not cases presented are of such a character as to call for the exercise of its original jurisdiction in *mandamus*. The fact that the Circuit Court and Superior Courts of Cook County have concurrent jurisdiction with the Supreme Court in *Habeas Corpus* cases does not authorize those courts to decide a question contrary to the way it has already been decided by the Supreme Court; and they have no power to override or review the decisions of the Supreme Court dealing with questions either of law or fact.

Cases of far reaching public interest are those holding that *Mandamus* will lie to compel public service corporations to perform duties to the public by running a passenger train instead of a mixed train. The Danville Water case sustaining the power of a municipality to fix reasonable rates for water furnished. The decisions sustaining the inheritance tax law; the cases sustaining and enforcing civil service statutes, and enforcing the charter obligations of the Illinois Central Railroad Co. The cases sustaining the statutes passed under the special constitutional provisions concerning mines and miners are of great importance in the work of the court; and last but not least stand the criminal cases dealing with anarchy and its kindred subjects, and those enforcing the law as to defaulting officers, bankers and ex-judges.

A study of the decisions of the court as a whole reveals the fact that the guiding star of the ship of state is fixed and stands



out clear in the horizon. The work has been well and patriotically done by these servants of the people entrusted with this great power. The opinions of the court have the respect and approval of the people, the Bench and the Bar of Illinois; and the respect of the Supreme Tribunals of our sister states. No better test of the standing of the opinions of the Supreme Court of Illinois, in the courts of last resort of the Nation can be found, than by a comparison of the frequency of their quotation in the opinions of those courts. This is an unconscious tribute to merit. The opinions of the Supreme Courts of four states of the Union by this comparison stand at the head. They are New York, Massachusetts, Illinois and Indiana. Often the order stands New York, Illinois, Massachusetts. New York is first in the list because she is the empire state and the volume and variety of questions involved in her litigation gives that court an advantage; and also New York was the leader of all the states in adopting code procedure. Questions of procedure under the code alone comprise about sixty per cent of the points passed on in her opinions. As nearly all the states of the Union have adopted a code a large proportion of the quotations from New York are on questions of procedure. If these questions are eliminated and the quotations compared on questions of substantive law alone, Illinois leads the list.

The real power of a Supreme Tribunal is not in the great strong wind that rends the mountains and breaks in pieces the rocks; it is not in the earthquake that shaketh the foundations of the State; it is not in the fire; but in "the still small voice" of reason; that cometh to its own after the wind, the earthquake and fire, of political upheaval have passed away. Its power is the power of the spirit, its influence moral, restraining and governing the minds of men.

Criticism of judicial acts is like the clouds of the night that linger through the morning's breaking light. As the sun comes they roll away and leave behind them perfect day. As time passes, the wisdom of the labor of the court stands out a monument to the memory of the minds who have wrought. To the living who have passed from service in this court and the friends and fellows of

those who have passed through the gates to service on the other side, we can say that their duties here have been performed in honor; they have the consciousness that,

"A just and wise magistrate is a blessing as extensive as the country to which he belongs; a blessing that includes all other blessings whatsoever that relate to this life."

To the State of Illinois we can truthfully say, whatever criticism may be made of others, the integrity of the Supreme Court of Illinois has never been questioned. It has always stood and now stands above suspicion; the slimy trail of the serpent of political slander has never crossed its threshold. No charge of dishonor has ever been made.

We do but honor ourselves and the state when we hang the portraits of these public servants in this beautiful temple dedicated to justice, where they have served so well:

"There is no virtue so truly great and Godlike as justice."

No greater honor can come to man than to be held worthy by his fellows to minister in her courts.

To the living we say:

"High towering o'er the vulgar train,  
By rage and greed of gain debased,  
Thy lines on loftier planes are placed,  
And with thy heart by justice braced,  
Faction may all her thunders waste  
Against thy calm decrees, in vain.

It is no common thing to sit  
Clothed as thou art, with power so great,  
Balancing points of subtlest weight,  
Between the people of a state,  
And avaricious unscrupuling hate;  
Thy place in history here is writ.

Hold the scales even; firmly stand  
In thy great office, guarding law;

Round thee thy sacred ermine draw,  
Pluck justice from greed's grasping hand,  
Abide; the noblest sight, the world e'er saw,  
The steadfast ones, that save the land."

CHIEF JUSTICE VICKERS: The exercises will conclude, in this room, with a brief response to these addresses by the senior Justice, Judge James H. Cartwright.

The address is as follows:

JUSTICE JAMES H. CARTWRIGHT: On the first Monday of August in the year 1818, a convention of thirty-three delegates met at Kaskaskia to frame a constitution as a basis for admission to the Union of States. In that instrument which was to be the fundamental law of the new State, they declared the objects which they sought to attain, and the object which was first in their minds and first found expression in their words was "to establish justice." That is not only the chief object of all good government, but it is necessary to the existence of organized society. When men are brought into relations with each other, any plan for their government and the protection of their rights and interests must have its foundation in the principles of justice and provide for making them effective. The legitimate object of written law created by legislative action is to establish just rules of conduct, and that is the aim of the unwritten rules regulating the relations of men to each other as declared by the courts. Justice is the sure foundation of peace, good order and security against strife between different conflicting interests, tending to weaken or destroy the State. Judicial decisions and legislative acts must alike commend themselves to an enlightened judgment as just, and if either favor one class or body of citizens at the expense of another, they merit the condemnation they receive. It has been said of justice, "Truth is its handmaid, freedom is its child, peace is its companion, safety walks in its steps, victory follows in its train: it is the brightest emanation from the gospel; it is the attribute of God."

It was this which the constitution of the new State was intended to establish, and to that end the essential principles of liberty

were declared and restraints thrown around the exercise of legislative power. In order that these principles should be maintained, the limitations made effective, and justice be done, the General Assembly was authorized to create inferior courts. Following the theory and practice of the country from which the people derived their system of laws, this court was created by the constitution itself for the review of cases where any party might feel himself wronged, and with an original jurisdiction in cases relating to the revenue, cases of *mandamus* and such cases of impeachment as might be required to be tried before it. The appellate jurisdiction was necessary to correct such errors as might occur in the inferior courts. In 1720 Lord Chief Justice Pratt, speaking of the English system of laws, said: "It is the glory and happiness of our excellent constitution that, to prevent any injustice, no man is to be concluded by the first judgment; but that if he apprehends himself to be aggrieved, he has another court to which he can resort for relief; for this purpose the law furnishes him with appeals, with writs of error from false judgment." He also gave expression to his own feeling respecting the right of review in a sentiment which has been echoed by every judge who has desired that justice should be done. He said: "For my own part, I can say that it is a source of great comfort to me, that if I do err, my judgment is not conclusive to the party, but my mistake will be rectified and so injustice not be done."

It has been the duty of this court to define and enforce the rules established which govern the relations of individuals to each other, to construe the written laws in accordance with the legislative intention, and, most important of all, to protect citizens in the guaranties of the constitution. In a representative government, legislative bodies are intended to be immediately responsive to the will of the majority of the people, and their acts which do not conflict with the constitution, are to be upheld. If, however, the provisions of the fundamental law, adopted by the people after much deliberation, are overlooked, the court is charged with a duty, for which a solemn oath is exacted, to support the constitution. This court has performed the duties so imposed upon it through

the existence of the State and under the constantly changing conditions which have marked the growth of a great commonwealth.

The convention of 1818 was authorized to adopt a constitution provided it should appear from an enumeration directed to be made that there were within the proposed State not less than 40,000 inhabitants—less than there are to-day in many single counties or minor cities, and but a handful that would be lost sight of in the great metropolis of the West. There were then twelve counties in the extreme southern part of the territory south of the north line of St. Clair County and a line slightly north of that line extending to the Wabash. The remainder of the territory was divided into three counties, Crawford, Bond and Madison, extending north to the Canada line. After the admission of the State into the Union these counties had for their northern limit the northern boundary of the State and they were represented in the convention by seven delegates. They included nearly all of what is now an empire in population, wealth and immense and diversified industries, but they were then practically unsettled and were the home and hunting ground of the savage. Looking from that day to this they seem like different ages of the world, and yet the intervening period is but a day in the annals of time or the history of a nation. This court has been required to keep pace with the rapid growth of the State. Beginning with the simple questions arising between the settlers concerning their rights, it has sought to apply the same principles of right and justice to the many questions arising from more complex conditions and the restless energy of a great people, as well as from new legislation. While the principles upon which justice is administered have always been the same, no two sets of circumstances are precisely alike, and the growing complexity of social conditions often render their application difficult; but the court has sought to select and apply such rules as would accomplish justice in each case. The work has not been perfect, as no work of human hand or brain is perfect, but it has never been questioned that the motives have been pure, and that there has been a conscientious effort to fulfill the high mission of establishing and maintaining

justice. So far as there are imperfections, they fade away with maturer judgment and consideration, and that which is in accordance with the eternal principles of right endures.

Time that has wrought great changes in the State has brought about continuous changes in the membership of the court, and this hour is devoted to recalling the memories of those who are no longer concerned with its activities. We are reminded by the fact that so large a number of judges are no longer members of the court, how quickly we pass through the scenes of life, perform our parts and disappear. The entrance to active life, the busy day, and the exit cover but a brief space. Of those who were members of the court fifteen years ago, no one but myself remains in the court, and the portraits of all of the others are unveiled to-day. Of those who have been judges during that time, six have passed away, while three, and one who served before who are not now judges are still living in the respect, confidence and honor of all who know them. Of those whose portraits are unveiled the work of all has been preserved in the reports of the decisions of the court, and in them those who have passed away still live. Only those die who leave no continuing influence behind them, and, while the voices of those who have passed from the scenes of this life are no longer heard, the printed word is read in the halls of justice and still sounds the true note of right and truth.

The men who are honored to-day sought with painstaking care to discover the correct rule and record the truth in their decisions, and their labors were cheered and lightened with dreams and hopes of approval by those who should come after them and pass judgment upon their work. Their hopes and dreams have been fulfilled, and these proceedings by the Bar of the State attest with what success their labors are crowned and in what honor and respect their names are held.

**THE CHIEF JUSTICE:** This concludes the public exercises for the day. I suppose that it is generally known that the portraits that have been unveiled are displayed in the waiting room just off the court room. All members of the Bar and friends who are present are invited to inspect those portraits. We are advised that

there are a few of the surviving relatives of some of these judges present here to-day. We understand that there is a daughter and a grandson of Mr. Justice Dickey here; and that there is a son of Mr. Justice Beckwith, and a grandson of Mr. Justice Breeze, and that the wife of Mr. Justice Joseph N. Carter is present, and there may be others that we do not know of. If there are, we hope those referred to as well as those not named will make their identity known, especially to the Secretary of the State Bar Association. And no doubt many of the members of the Bar would be very glad to form the acquaintance of any of the descendants or relatives who may be present of any of these deceased gentlemen, and it is the hope of the Court that if there are any others who have not yet been discovered by the Court that you will make yourselves known so that we may have the pleasure of greeting you.

### BANQUET.

A banquet was given Thursday evening, February 16th, at the St. Nicholas Hotel, Springfield, Illinois. The divine blessing was asked by Rev. W. J. Johnson.

### THE ILLINOIS STATE BAR ASSOCIATION

### BANQUET

In honor of the occasion of the unveiling of the portraits of the former Justices of the Supreme Court of the State of Illinois.

THURSDAY, FEBRUARY THE SIXTEENTH  
NINETEEN HUNDRED ELEVEN

*St. Nicholas Hotel,  
Springfield.*

"The charge is prepared—the lawyers are met,  
The Judges all ranged—a terrible show!"

*The Beggar's Opera.*

"They're welcome all, let 'em have kind admittance,  
Music makes them welcome."

*Timon of Athens.*

"And do as adversaries do in law—

Strive mightily but eat and drink as friends."

*The Taming of the Shrew.*

MENU

Cotuits

Salted Nuts

"I'll be with you in the squeezing of a lemon."

She Stoops to Conquer.

Bouillon

Celery Hearts

Olives

Tenderloin of Beef, Larded, with Fresh Mushrooms

Sweet Potato Duchess

"Our old and faithful friend,

We're glad to see you."

Measure for Measure.

Champagne Punch

"A weak invention of the enemy."

King Richard III.

Roast Philadelphia Squab Sur Canape

French Peas

Potato Parisienne

"Here's a pigeon so finely roasted, it cries, come eat me."

Swift, Polite Conversations.

Asparagus, French Dressing

Diplomatic Ice Cream

Assorted Cake

"Then farewell heat and welcome frost."

Merchant of Venice.

Camembert Cheese

Toasted Crackers

Apollinaris

Coffee

Cigars

"Whose smoke like incense doth perfume."

Titus Andronicus.

AFTER DINNER.

Toastmaster ..... William R. Curran

The State..... James A. Connolly

"Not without thy wondrous story—Illinois."

Chamberlain.

The Law..... George T. Buckingham

"The magistrate is the speaking law; the law is the  
silent magistrate."

Cicero.

"So much for Buckingham."

King Richard III.



The Courts ..... Frank J. Loesch

"A just and wise magistrate is a blessing as  
extensive as the Country to which he belongs."

Atterbury.

The Bar ..... Adlai E. Stevenson

"If with consummate peacefulness the Christian  
world were blessed,  
Some occupations would be gone, and ours among  
the rest."

Grant.

"Farewell! a word that must be, and hath been—  
A sound which makes us linger; yet—farewell!"

Childe Harold.

"Thet slow critter 'stablished law;  
Onsettle thet and all the world goes whiz,  
A screw's got loose in everythin' there is."

Biglow Papers.

"O brethren of the legal faith, the world is growing old,  
But many a poem will still be writ and many a tale be told,  
And many issues still will rise like mushrooms from their bed  
To add a little butter to the lawyer's daily bread."

Grant.

THE PRESIDENT: Gentlemen of the Illinois State Bar Association: The past is safe, and the repast also is safe. If you will turn to the menu card and read, each one of you for himself, the last four lines on the last page of the cover, you will discover that the future of the Bar is reasonably safe. (Applause). There is another thing that is safe. I want to tell you now that there are four toasts on this card, and there are not going to be four speeches, there will be only one speech for each toast,—the Toastmaster will not inflict upon you a twenty-minute speech in introducing each speaker. (Laughter.) It has been said in the past that on every battlefield we would find the lawyer, and at the forming of every constitution the lawyer has been there. We have with us to-night an Illinois lawyer who has spent many years at the Bar, he has devoted himself to the State on the field of battle and has been an honor to his district in the halls of Congress of this nation, and he will reply to the toast "The State." It gives me pleasure to introduce to you Major James A. Connolly. (Applause).

MR. JAMES A. CONNOLLY: Mr. Toastmaster, and Gentlemen: I almost feel like congratulating the local Committee on Arrangements for notifying the gentlemen that they might appear here to-night at this banquet just wearing their clothes, not in their night clothes, as is customary on such occasions. (Laughter and applause). I am called upon to respond to the toast, "The State," without specifying whether it is of the State or for the State. I notice on the menu card that the toast, the text, is followed by a foot note, and as we lawyers know, foot notes sometimes illustrate very well the text that might otherwise be obscure or misunderstood. The foot note consists of a stanza from a somewhat boastful but heroic song that has stirred the pulse of every Illinoisan when he has heard it well sung, as we have had by hearing it well played to-night. Illinois has a right to sing that heroic song, even if it be boastful. She has had a heroic past. She commenced as a foundling, turned out by her mother Virginia, with no covering but the old ordinance of eighty-seven for her protection. She lived along until she reached the time for becoming a State; by that time her sole covering of the ordinance of eighty-seven had become so moth eaten and filled with the venom of slavery that it took a most heroic struggle for the young State to rid herself of it and put on a covering that became a free State. And from that day to this the sons of Illinois have maintained that covering, the American flag, with which she draped herself in early times,—maintained it in the courts and on the field of strife. And in all those heroic times, whether in Indian wars when her sons were led by a young Lincoln, and the Mexican war where her sons were led by a Bissell and a Rogers and an Oglesby, or in that fearful War of Rebellion where her sons were led by hundreds of distinguished men, most of them lawyers, or in the late struggle with Spain, when the young blood of Illinois responded, there has been a line of heroic conduct from the beginning of Illinois until to-day, hence, we are not to be reproached in Illinois if we should sing that beautiful song,

"Not without thy wondrous story,  
Illinois, Illinois;

Can be writ the nation's glory,  
Illinois, Illinois."

But we started our State, or it was started for us, with a constitution; we have had three of them. Each one of the three provided that we should have a representative form of government, that it should consist of three separate departments, the legislative, the executive and the judicial, and that no one occupying a position in either one of these departments should cross the line of the other. For seventy-five years, at least, lines of demarkation between these departments of State were as well defined as the lines of this room. For some years past I have sometimes looked in vain to find the same well defined line. Sometimes it is more like trying to define the line of a streak of lightning on the sky,—it has zig-zagged. Sometimes we have found the executive and the legislative in a struggle to swallow each other; sometimes it has seemed as if but the tail of one was left to wiggle in the public view. (Laughter and applause.) And at other times it seemed that it was the tail of the other that was simply wiggling in the public view. But in all this time the line that has separated the judicial department from the legislative and the executive has stood there like a wall of fire, cherished and fostered and nourished by the people, by the lawyers and by the courts.

I sometimes wonder where we are drifting. I sometimes wonder whether we have reached the time when the old anchorage is beginning to tear loose; when we are beginning to forget that we have or should have and maintain a representative form of government, or whether we should degenerate into a pure democracy after the old Roman style, which finally means a pure mob. We hear so much in these later days of the terms referendum and initiative that there seems to be a growing desire to have the legislation of our State enacted, not by the representatives, but by the mob, I might call it. We seem to have reached a point where, notwithstanding seventy-five years of prosperity and success and peace has made us great with a well defined legislative wall separating us from the other departments, it seems that the people are beginning to lose faith in their legislative representatives—

I will not say that there does not exist some reason for it at times—(laughter and applause). Throughout the State there seems to be a disposition to break loose from the old anchorage, and instead of having a representative body to make our laws, let them come here and make what they please, but refer it back to the men who elected them to have those people say whether those laws shall go into effect or not. Does it not look sometimes as if we are drifting in that direction? Where does the cause come from? I trust my friends of the Bar Association from Chicago will pardon me if I intimate that a large part of it comes from one county out of the one hundred and two counties of the State of Illinois. (Laughter and applause.) But until lately the wall that protected the judicial department from the other two has been kept intact. Now it looks like the executive and the judicial departments have ceased their Kilkenny cat fight and the legislative department has determined to turn its guns upon the judicial department and tear down that wall, and they are proposing to determine how many hours a day, how many days in the month and how many months in the year the judges of our Supreme Judicial department shall be on hand to transact business. (Laughter.) They are proposing, although they themselves, being paid by the year, spend two days in the week at legislating, to insist that the Supreme Judicial Court of the State shall spend ten months of the year steadily at the Capital of the State, all the time in session, and that to be followed by a requirement that they shall decide every case within thirty days, by the clock, after it is submitted to them. (Laughter.) And then our poor brothers who are so unfortunate as to be on the circuit bench,—the Lord help them, (laughter) they must have their courts open five days in the week, they must always be ready for business, they must never take a vacation; all other officers of the State may, from the constable up to the Governor, but the circuit judge is forbidden any relaxation of his duties, he must keep on the firing line all the time. Does it not seem, my brothers of the Bar, that when the courts are assailed the fault lies somewhere? Does it lie with us? Have we invited that kind of attack upon our courts? Have we, by our

conduct and conversation permitted the honorable profession of the lawyer to degenerate until it is no more respected than the business of a commercial salesman? It is proposed to organize the courts as a department store is organized. And while it has not yet been proposed, it is in line with what is proposed, that there shall be at the door of each court room, supreme and circuit, a time clock that must be punched by the judge every time he goes in, to account for his presence. (Laughter and applause.)

My friends, and fellow members of an honored profession,—a profession that once was an honored profession (laughter), if we are to blame for it, in our associations we should lift the standard of daily conduct higher. We should remember that we are the successors of a line of lawyers who brought fame and credit to the State and to the nation. We belong to a profession that until late days has been the honored profession of the world, and simply because we have on our borders a city that has become the department store of mid-continent, there is no reason why we should permit the standard of the legal profession to drop down to the standard of a salesman. I have said enough. (Applause.)

THE PRESIDENT: When the white man first came over the borders to settle the Illinois territory there were a number of the Tribe of Dan came over the Indiana line and made a settlement which they finally called Danville, you may have heard of it (laughter); and in that town of Danville there grew up a young lawyer. He made good in his county, but he listened to the call of the wild, and went to Chicago (laughter), has made good there, and he is with us to-night and will respond to the toast, "The Law." It gives me pleasure to introduce to you Mr. George T. Buckingham. (Applause.)

MR. GEORGE T. BUCKINGHAM: Mr. Chairman, and Gentlemen of the Illinois Bar Association: I have placed my watch in a conspicuous place in front of me, and the Sangamon County Bar Association has placed its distinguished President close at hand, to the end that the time limit which has been prescribed for speakers on this program may be observed by me. I am particularly anxious to observe this, as all other regulations laid down by the

worthy Presidents of these two Associations, because I am anxious that there shall not be told of me a story I heard the other night concerning a man who went from New York to Texas to observe the operations of agriculturists. He came upon a native down there who was engaged in feeding pigs out of a pail. This native was feeding tomatoes, potatoes and cabbage, and many other succulent things to the pigs, raw, and the easterner said:

"My friend, haven't you learned yet to cook the things you feed to the pigs?"

"What is that?"

"Haven't you learned yet to cook the things that you feed to the pigs?"

"What for?"

"Why, it is known to all scientists that a hog will digest a meal in one half the time, if the food is cooked."

The farmer looked at him in disgust and said:

"What in hell is time to a hog?"

(Laughter and applause.)

And so I am particularly anxious to observe the limit that has been placed. Nor is the task that has been assigned to me, to follow Major Connolly, a simple or easy one. I am reminded, in my position on this program, of the man who lived in Kansas and who was caught up by a Kansas cyclone, and after he traveled through the air in company with most of the cattle and movable property of that region for an hour or two, he finally alighted in a far distant country. The first thing he observed was an elderly looking gentleman with a collar up around his throat, who appeared to be a man of piety, to whom he said:

"Where in the world did you come from?"

"Why, I was caught up, over in my home in Kansas, I have been blown through the air by this mighty cyclone, accompanied by everything that was loose along the route, and now I find myself here, where am I?"

"Why, you are one hundred and twenty-five miles from home, and, my friend, this is a most remarkable thing you tell me about this adventure of yours, and that you are still alive after that ex-

perience. It must be that the Lord has been with you all this time."

And the Kansas man said:

"Well, maybe He was, but if He was, He was going some."

(Laughter.)

And so, if I followed the Major's footsteps and keep up with him, it will be necessary for me to "go some," more than I have or can.

Now I am to talk here to-night for a few minutes about "The Law," and in the beginning I desire to disclaim, on the part of my brethren of the Chicago Bar who are here to-night that whoever in Cook County may be responsible for the things which the Major criticises, we utterly disclaim responsibility for it, and will try to make plain that we did not bring about any of these things that he criticises.

Sir William Blackstone, the St. Paul of the legal profession, many decades ago, defined the term—law. He said that it was a "rule of action"; and although many lawyers and jurists have come and gone since that time, none of them have improved on his definition. When we come to apply his definition, we find that it fits *all* of the laws of the universe, whether made by man, or by a power higher than man. Every atom of created matter—on this planet and elsewhere, is in action, and that action is governed by some rule. By constant observation, by indefatigable research, and by the powers of reason, man has been able to discover some of the rules that govern the action of inanimate matter.

The astronomer has scanned the starry vault of heaven through all the centuries since history began. By this observation he has been enabled to discover the laws which control the heavenly bodies in their trackless orbit through space.

The geologist, in the mountain side—the chemist in the laboratory, and the inventor in the workshop, each has been able to discover and reveal some of these laws, and every time this has occurred, mankind has benefited. Ever since the stone-age when man boiled water in an earthen receptacle, the hissing vapor has struggled to tell its story to the ears of man, but only recently has been

discovered the rules which govern the action of water under heat, and the discovery of those rules and their application has linked together the human family, throughout all areas, and made the power of steam the chief servant of the human race. For centuries, man saw the lightning flash through the sky, and the aurora-borealis illuminate the North, and viewed these manifestations of power and energy with awe and alarm; but modern man has discovered some of the rules which control the action of this vital force and has applied this control to the various needs of human-kind. Whenever man, through observation, research and investigation, is thus enabled to discover one of nature's laws, and to apply it to human needs, every civilization is advanced and benefited. Nor do the laws of nature apply solely to inanimate matter. There are likewise rules which govern the action of that part of creation endowed with life. The tiger and the python of the jungle are impelled by nature—implanted rules of action, to slaughter and to diet on flesh. The buffalo, the elk, and the deer similarly acting under a rule of nature, subsist upon the grasses of the plains. The bear in winter hibernates solitary and alone, while the ant, in summer, fore-gathers in myriad thousands, in something like organized communities. All of these creatures are obeying the laws—the rules of action—which nature has prescribed for their guidance, and has implanted in their being.

Similarly man ordinarily acts, according to certain rules implanted by nature. These rules in their aggregate, we call—human nature—and they are not subject to repeal by the Legislature, or modification by the courts.

We are told that a great Naturalist spent ten summers lying on the ground observing the proceedings of successive generations of ants, in order that he might determine what laws—what rules of action, governed their community conduct, and he was rewarded in the end by obtaining—and publishing—much interesting information, as to how ants under given conditions and circumstances ordinarily act toward other ants, in their tribal or community relations.

At the close of the Revolutionary War, happily for the Amer-



ican people, there existed in the 13 colonies some of the best minds the world has known. The great Washington, the incomparable Hamilton, the wonderful Jefferson, and a galaxy of lesser lights, such as Madison, Jay, and Franklin, formed an aggregation of real statesmen, such as probably never assembled before. There was not in existence at that time the railroad, the telephone, the telegraph, and the instrumentalities of modern civilization. Their attention was not distracted to the piling up of wealth, which now engages the attention of many of our ablest men. These great men lived simple lives, and had time and opportunity for study and reflection. They observed the successive generations of humankind, through the pages of history, exactly as Cuvier had observed the generations of ants. They studied the actions of mankind, in his tribal, and his governmental relations, throughout the ages of the past, and they examined, analyzed, and dissected, every governmental scheme of which there existed a historical record. It was upon this careful observation of mankind, and of the governments created by him, and of the basic elements of strength, and of weakness of those governments, through the long centuries of history, that their conclusions were reached. The insurance actuary does not know, and cannot tell, the date at which any given man will die, but he can tell to a mathematical certainty the average date at which a thousand given men will die. And so with him who observes history. One man may be better or he may be worse than the average, and his isolated individual action may not be foretold, but the *combined action* of a community, under given conditions, is the average action of its individuals, is a matter which changes little throughout the centuries, and may be prophesied with certainty from the history of the past. It is probable, nay certain, that in the years, beginning with the formation of the American Federation, at the close of our Revolutionary War, and culminating in the Constitution, *more actual study and research* was devoted by these great statesmen, to the systems of government, which had existed in the world, than had been given to that subject in all the centuries. And the result of that research, in the form of the debates on the adoption of the Constitution, and of the argu-

ments made for its adoption by the Colonies, still lives and is available to us. It forms a record of research, of analysis, and of philosophy, on the comparative structure, nature, and practical workings of governmental systems, such as was never before, and never again will be, collected, assimilated and published. Out of that analysis they were able to chart the rocks upon which the Ship of State, favorably launched in a half hundred historic Democracies and Republics, had gone to wreck. These statesmen did not make the Constitution of the United States out of whole cloth, and as an *arbitrary scheme*, originated by them. On the contrary, that immortal document is the result of their united analysis of all the governmental systems which man had ever devised, and of their concerted effort to avoid the various errors into which mankind had fallen in undertaking popular government throughout the centuries. While there was no positive precedent in history as to exactly what would insure permanent success, there was abundant precedent in history as to what would result in sudden and dire failure.

So the Constitution of the United States (which is the basis and the pattern in its fundamentals for the Constitution of every one of our States) was built upon certain fundamental propositions, which its builders believed were essential, if the dangers and failures of the Democracies and Republics of the past, *brought about by the nature of humans*, who operate them, were to be avoided.

First and most important of these failures of the past was the form of government known as a Democracy—in the unqualified sense. Therefore, our government was not designed to be a *pure Democracy* in the sense that the laws should be made by the people *directly*, or that the government should be *directly* administered by the collective action of the people.

The reason democratic government was rejected was and is that all history had shown that a democracy is impractical in operation, throughout any extended territory, and for any extended time. A pure democracy does not furnish the concentration and stability necessary to a stable and enduring government. Mutations of public opinion are such, in every community, that no efficient

and concerted governmental action can be secured in a democracy. Every pure democracy that ever existed, said these statesmen, "lived a short and tumultuous life, and died a sudden and violent death." It either became a prey of some enemy, which had the concentrated power, which the democracy necessarily lacked, or what was worse, it fell into the hands of designing demagogues, able to sway and direct the popular will and this finally evolved into a despotism. The great majority of the democracies of history ended in despotisms.

This basic, fundamental weakness of a pure democracy was stated, by one of the great men of that time, in the debates on the Constitution, thus:

"It is, that in all assemblies, the greater the number composing them may be, the fewer will be the men who will in fact direct their proceedings. In the first place, the more numerous any assembly may be, of whatever characters composed, the greater is known to be the ascendancy of passion over reason. In the next place, the larger the number, the greater will be the proportion of members of limited information and of weak capacities. Now it is precisely on characters of this description, that the eloquence and address of the few are known to act with all their force. In the ancient republics, where the whole body of the people assembled in person, a single orator, or an artful statesman, was generally seen to rule with as complete a sway, as if a sceptre had been placed in his single hands.

" \* \* \* The circumstance of the government may become more democratic; but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which his motions are directed."

Such then was the history of every democracy in the world and those were the reasons that a democracy (in its pure and original sense) was, by *all* the builders of the Constitution rejected as too weak, too inefficient, too unstable, to stand the test of time, and of shock.

The democracy had but one virtue—the freedom—the im-

munity from oppression and from despotism, of its individual members, but this very virtue formed its basic element of weakness, as a system of government.

The other form of government in the world—and the then prevalent form, was a Monarchy—a despotism more or less modified. This form furnished the strongest system, and the most stable, since its officers could and did act, for the community, in its public capacity, and not being subject to any control, or influence from the populace, were capable of strong, concerted, and uniform action, in all the functions of government. But the vice of the despotism was its attending oppression, and its subjection of the individual. In a word, despotism has governmental strength and efficiency, but at the cost of destruction of individual liberty; while democracy is inherently too weak, unstable, and inefficient to maintain itself, but, while it does exist, preserves the idea of individual freedom.

The problem was to preserve the merits of both these systems, and to avoid the imperfections, and weaknesses of both; to make a government as *strong* as a despotism, and yet to preserve to its citizens the *individual freedom* of a democracy.

To accomplish this, they planned and designed, not a despotism, for they desired to preserve the blessings of freedom; not a democracy, for they desired a government to endure; *but—A REPUBLIC—a representative form of Government*. Accordingly, it was designed that the laws should be made by *representatives*, elected by the people; that the laws, when made, should be administered by *other representatives*, and construed by still *other representatives*. It was designed that all these representatives should (a) be elected by the people, (b) for a definite term, and (c) that during that term their respective authority, within the scope of their various functions, and within the limits of the Constitution, should be *as absolute* as that of any officers under the most despotic form of government in the world.

The President of the United States, during his four-year term, is vested with more actual and direct power than any crowned king in the universe. Indeed, it is the special feature of repre-

sentative government—its very essence—that during his elected term, and within his official limits, the power of the elected representative shall be absolute.

Unlike the despotism, the final source of power, the sovereign, in the Republic, is the people, and their ordained Constitution. At stated intervals this sovereign appoints and invests them with a *new lease of power*. Thus is the *virtue* of the Democracy preserved, thus are its *evils* and weaknesses avoided.

Another basic element entered into the plans of the framers of the Constitution, for representative government. All history had shown that it was disastrous, through any extended period, to vest in the same individual the power to make and the power to execute the laws; hence, it was an axiom of government, agreed to be such by all of the great men whom I have named, that it is absolutely necessary to divide and to distribute governmental functions among three sets of officers—executive, legislative and judicial, and to make each set separate, independent of, and equal to, the other. Only in this manner could effective check be placed on that *absolute power* necessarily given by a representative government to its officers—absolute within his term, within his sphere, and above all within the Constitution.

Washington in his farewell address to his countrymen, after having given every service to his country, and having received every honor from his country, said:

“It is important likewise that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective, constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. \* \* \*

“The necessity of reciprocal checks in the exercise of political power by dividing and distributing it into different depositories and constituting *each a guardian* of the public weal *against invasions by the others*, has been evinced by experiments—ancient

and modern; some of them in our own country and under our own eyes."

When Hamilton in "The Federalist" advocated the idea of representative government, after having outlined the historic weaknesses of democracy, he said:

"Hence it is that democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.  
\* \* \* A Republic, by which I mean a government in which the *scheme of representation* takes place, opens a different aspect and promises the cure for which we are seeking.\* \* \*

"The great points of difference between a democracy and a republic are first: the delegation of the government in the latter to a small number of citizens elected by the rest; secondly: the greater number of citizens and greater sphere of country over which the latter may be extended."

After the constitutional representative scheme had been in operation for twelve years, *Thomas Jefferson*, the great Commoner, was elected President. The great fear at that time was that the representative scheme of government would not be sufficiently strong, and in his first presidential message, Jefferson said:

"But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans. We are all Federalists. If there be any among us who would wish to dissolve this Union, or to change its *Republican form*, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know indeed that some honest men fear that a Republican government cannot be strong; that this government is not strong enough; but would the honest patriot in the full tide of successful experiment, abandon a government which has so far kept us **FREE AND FIRM.** \* \* \*

"Let us then, with courage and confidence pursue our own Federal and Republican principles, our attachment to **UNION AND REPRESENTATIVE GOVERNMENT.**"

Such are the reasons which animated the great students and statesmen who framed our Constitution.

James Monroe was a mere youth when the Constitution was formed. Thirty years later he became President. In 1822 he sent to the Congress a message on the question of "Internal Improvements of Water-ways and Highways of Interstate Commerce." That document is classic, historical and immortal. It formed the basis of the subsequent and present government activity along those lines. It embodies an analysis of the Constitutional—the American—form of government which is practically unequaled in literature or statesmanship. Among other things he said:

"Soon after the power of the crown was annulled, the people of each Colony established a Constitution or frame of government for themselves, in which these separate branches—legislative, executive, and judiciary—were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people (not delegated to Congress) was communicated, to be exercised for their advantage *on the representative principle* by persons of their appointment, or otherwise deriving their authority immediately from them and holding their offices *for stated terms*. All the powers necessary for useful purposes held by any of the strongest governments of the Old World not vested in Congress, were imparted to these State governments without other check than such as are necessary to prevent abuse, in the form of fundamental declarations or bills of right. The great difference between our governments and those of the Old World consists in this, that the former, *being representative*, the persons who exercise their powers do it not for themselves or in their own right, but for the people, and therefore, while they are in the highest degree efficient, they can never become oppressive. It is this transfer of the power of the people *to representative and responsible bodies in every branch* which constitutes the great improvement in the science of government and forms the boast of our system. It combines all the advantages of every known government without any of their disadvantages. It retains the sovereignty of the people, while it avoids the tumult

and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments."

After the splendid exposition of Monroe, these fundamentals of our government seem to have been regarded as fixed and settled for all time. No further reference to them is officially made by any of the Presidents. This is doubtless because, beginning with nullification under Jackson, the absorbing question for a half century was the relative power and status of the State and Federal governments. Only recently have men arisen to propose schemes not in harmony with these underlying corner-stones of our Republic.

It was designed by the fathers that the legislative function should be divided into two branches, one of these branches to represent directly the popular will, the other branch to represent indirectly those elements in the community, aside from mere numbers, which in every community always constitute a force in the direction of conservatism, and a power that is inimical to change—that yields slowly to progress and movement in any direction. This second branch of the legislative power was designed to have two characteristics, one—indirect selection; the other—its long term of office. It was intended by this arrangement to utilize the *very weaknesses* of human nature, for the purpose of maintaining a proper balance against the rapid mutations which frequently take place in the public will. By the indirect system of election, and by the long term of office, it was intended that the Senate should respond but slowly to the public will, and should act *as a brake and a drag* upon the wheels of progress, wherever those wheels were directed. If a movement is strong enough, and lasting enough, to maintain itself in the public esteem for a long period, it will eventually reflect itself upon the Senate, to the extent necessary to bring about the desired change; but if a movement is of sporadic nature, as many movements have been, so that it lasts but a year or two, and will not stand the test of time and discussion, then the conservative branch—slow to change—stands between the people



themselves and their hasty and ill-considered action. If there had been no Senate in the United States, or in our states, many movements which we now see were foolish and ill-considered, under popular pressure on our directly representative branch, would have become laws upon our statute books, to our lasting regret and disgrace. There is nothing so unreliable, and so inaccurate, as the *first impression* of the people at large, and there is nothing so reliable, and so just and accurate as their *final and fully considered opinion*.

All experience showed that every popular government, which had but one branch, directly representing the people, lived in tumult, and died of inherent weakness. In other words, it lacked the stability necessary to carry on government for any considerable period. History on the other hand showed that every long-lived popular government in the world had a Senate of some sort. It was argued by some that the Senate representing the forces of conservatism would eventually subjugate the house, which was the *direct* representative of the people. But the answer was made, and was emphasized, and was accepted, that history shows exactly the reverse. No Senate in any government has ever been able to hold its own against the encroachments of the popular branch, and some of the largest Republics in history have perished because their *tribunes* in the end overpowered and destroyed their *Senates*. The founders of the Constitution therefore decreed that there should be one house directly responsive to the instant will of the people; and that there should be another house representing conservatism—always inimical to changes—which should act as a brake, upon the sudden impulses of the people.

It was said by Hamilton during the debates on the Constitution, regarding the Senate:

“Such an institution may be sometimes necessary, as a defence to the people against their own temporary errors and delusions. As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs, when the people, stimulated by

some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth, can regain their authority over the public mind? What bitter anguish would not the people of Athens have often avoided, if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing, to the same citizens, the hemlock on one day, and statutes on the next."

These quotations are made for the purpose of pointing out that under every provision of the Constitution there is a reason, founded on bed-rock—on human nature, and human experience; and that before we seriously consider any change in our governmental structure, or in the several components of it, we can do nothing better than to read and to discover what has been assigned as the underlying reason for each particular provision.

Now, what I have said leads to this: We lawyers, engrossed as we are in the disputes between John Smith and Thomas Jones, or in the disputes of the Smith Mercantile Company and the Jones Manufacturing Company, over private rights, are prone to forget that throughout the history of this nation lawyers have been the trusted advisers of the people, concerning their forms and systems of government. Upon our profession, the public at large, relies for guidance and information on such subjects. At this time, and in this country, and in recent years, there has grown up a movement, gaining in force every day, for certain changes in our form of government, which it is desired to inject into our Constitution, and into our laws. Among these proposed changes are the initiative and the referendum—the commission form of government—the recall of public officers—the election of Senators by direct vote of the people. These are all believed to be, by the well meaning people who advocate them, *new* and *improved* ideas of government, calculated to remedy undoubted, and existing evils.

As a matter of fact, the principles which underlie all of these schemes are not new—they are as old as man, and were all considered and rejected, by the framers of the Constitution, because of their inherent weaknesses, as shown in history.

If the historical reasons, based on a profound knowledge of human action through the centuries, upon which Washington and his compeers build, when they laid down the fundamentals of our Constitution, were sound and good then, they are sound and good now. Human nature in the aggregate, changes less, and has changed less, than any other quantity of the universe.

The initiative and referendum, in its usual form, proposes to have the people, in their collective capacity, directly propose, and directly enact, statutes. It does away entirely as to any such subject-matter with the legislature. It substitutes, in a word, a pure democracy for representative government. It belongs to democracy—is of the essence of that form, and it has no place in a *Republic*.

It has of democracy every weakness. It means confusion, ill-considered legislation, and sudden and violent changes in public and legislative policy.

Had it been in operation in the nation, fiat money, free silver, and a hundred other economic fallacies, which for a fleeting moment caught the popular ear, would have become law.

It is utterly indefensible in principle, unless it first be established that *representative government* is a failure, and that we should revert to the principles—the outworn, discredited, and long rejected principles—of pure democracy. Its avowed function is to cure the evil arising from bad legislation—but it substitutes evil—ten times as great.

It is proposed that we now place in the Constitution of Illinois the principle of Initiative and Referendum. It is proposed, in effect, that a small percentage of the people, by petition, may propose, and all the people thereupon vote “yes” or “no” upon any proposition (with certain exceptions) which the petitioners desire to make into law; in short, that the people in their collective capacity shall directly propose, and directly enact the laws. In its essence, it entirely supercedes the legislative branch of gov-

ernment. It substitutes pure democracy for representative government. It means confusion, ill-considered legislation, and sudden and violent changes in legislative policy. In practice, under such a system, every fallacy which for a fleeting moment catches the public ear will become a law.

Eight per cent of voters would propose a law, probably sixty per cent vote on it, and thirty-one per cent enact it. A small minority, if compact and organized, would surely make itself, upon the statute books, a favored class—at the expense of the majority not so compactly organized. It inevitably means minority rule and class legislation.

There is nothing so unreliable as the first impression of the people, while there is nothing so just and so reliable as the ultimate judgment of *all* the people, upon full consideration and deliberation. In practice, it is impossible to secure the expression of *all* the people in ballot form, except only upon great and basic issues, such as the adoption of an entire Constitution, which should be a matter of full debate and discussion, not for months, but for years.

The proposed plan tends to substitute the first impression of a minority, in the stead of the deliberate judgment of *all* the people; to make the passions and whims of man the law of the land, instead of the educated, enlightened, and final judgment which comes from full, calm, and complete consideration.

In basic underlying principle, the Initiative and Referendum belongs to Democracy. It is contrary to the essence, and to the principles of a Republic.

To adopt this scheme in reality is not to modify, but to definitely abandon, the principles of representative government, and to revert to the discredited principles of Democracy.

The Commission form of government in its essentials violates other fundamentals of our representative form of government. It places in one man the power to make, and also to execute the laws. This breaks down the fundamental division between the three coordinate branches, and makes for tyranny, and for oppression of the citizen—an idea not to be tolerated by a free people. It is a reversion to the forms of despotism.

True it is, as yet, sought to be applied only to cities, but every argument in its favor, applies with equal force to states, and to Nation.

If we once start to break down the fundamental barriers to our liberty, no man can foresee the end. Rome did not perish from one invasion of the popular liberty, but from *successive* invasions.

It is desirable, in the interest of efficiency, to *concentrate* power. But the result of ultimate concentration of power is final despotism. The full price of *utter* efficiency, is *utter* subjugation of the people.

All such changes and innovations are gradual and insidious; said Hamilton:

"For it is a truth, which the experience of all ages has attested, that the people are commonly most in danger when the *means* of injuring their rights, are in the possession of those of whom they entertain the least suspicion."

The Commission form violates yet another of the fundamentals of our form of government. It usually provides for a *recall*. That is, an *indeterminate* period of official power, for each elected officer.

This is inconsistent with *representative government*, which has for its very base a *fixed and predetermined term* for a public officer, not subject to the mutations of the changing will of the people.

The recall belongs to democracy, just as concentrated power belongs to despotism. The recall destroys the fixity of term, which Jefferson said was essential to a *firm* government.

In practical working, it would have retired Lincoln, all our War Governors, every Judge of any court, who ever voiced an unpopular, though just, opinion. It could not possibly, applied to our State, or our Nation, result in anything, except the perils of a pure and direct democracy.

The election of Senators of the United States by the direct vote of the people, violates the very purpose for which the Senate was designed. If it is accomplished, then there remains but one

more step—reduce the term to two years—and the Senate is useless. It then becomes but an additional house, *directly* representative of the popular will, and its place in the balance of government is gone.

In Connecticut, the substance of the representative plan has been in force since 1639, and in the nation that plan has been in force for more than 120 years. As a historic fact, *representative government* has been continuously in force on this Continent for 272 years. It is essentially the American plan. No other plan of people's government, since the beginning of the world, has worked so well, during such a period.

It is designed to avoid the evil, while retaining the virtue, of both despotism and democracy. *This can only be done by preserving the Republic.* Not otherwise, can we, in the language of the great Jefferson, keep the government "*free and firm.*"

If the historian of the future is called on to write the story of the disintegration of this great Republic, an important landmark in his narrative will be that day when this great and influential Commonwealth departed from the principles of *the Republic*, and adopted those principles of Democracy—the Initiative and Referendum and the recall.

It is at this time (as I view it) the duty of every lawyer in his respective community to examine and re-examine these basic fundaments of our Constitution, to satisfy himself whether they are based on the eternal verities, and if he finds they are, then to examine every proposed constitutional amendment or legislative scheme, to determine whether they are consistent with those basic principles, or whether, on the contrary, they tend to bring upon us the evils which all history has shown to result from a form of government purely democratic, or a form of government purely despotic.

In the last analysis the lawyers owe a duty to the communities in which they live, That duty cannot be discharged by inattention to these vital matters. In my humble opinion, the members of this great association, with their enormous aggregated influence, can confer no greater benefit upon their time, and upon their

people, than by raising the voice of warning against the dangers that arise from innovations of our *basic law*.

THE PRESIDENT: The place to find out about the courts is in them. We have with us to-night a gentleman who for thirty-six years, as a practicing lawyer in Illinois, has devoted his time and attention as a professional servant of the people in the courts of this State. He has been President of the Chicago Bar Association, and is representative of the Bar from which he comes. It gives me pleasure to introduce to you Mr. Frank J. Loesch, of Cook County, who will respond to the toast, "The Courts." (Applause.)

FRANK J. LOESCH: Mr. Toastmaster, and Gentlemen of the Sangamon County and Illinois State Bar Associations: For the sake of brevity and clearness, I would like to read what I have to say in response to this toast:

"A just and wise magistrate is a blessing as extensive as the country to which he belongs."—*Atterbury*.

When Bishop Atterbury wrote the sentiment which stands for the text of this toast, the just and wise magistrate was not as common in England as he is there to-day, nor as he is in our State. He lived during the troublous times when the Bloody Assizes of Judge Jeffries made even a callous Englishman's blood boil, used as he was to the frequent executions of victims of the barbarous criminal laws of the time. Atterbury himself was the subject of an unusual punishment, in that he was outlawed from England without the privilege of communication with any resident of England, including his own family, by reason of his correspondence with the exiled Stuart family, and so could write feelingly.

The pressure upon judges by the Crown was often exerted and was strong and effective for evil, partiality and injustice.

In this State, the people have reason to congratulate themselves upon the fact that the history of the State, now almost rounding its first century, has been productive of no judicial scandal, and substantially naught which involved the honor of the courts of the State. Here and there, in the early history of the

State, the intense partisanship of the times caused the unseating and appointing of judges for political reasons alone, but better times succeeded long since. I cannot partake of the feeling which is prevalent in some quarters that the law and procedure needs a complete overturning in the State in order that the courts may be reformed. The object of all law reform should be to attain more simply, better and more speedy results than existing conditions produce. Making comparisons with some of the neighboring states, we can and should make some improvements, but we have no reason to unduly complain as things are.

The Supreme Court is doing its work with closer attention to its cases, in shorter time, and with better results, than has been the case at any time within my memory; and I believe I voice the expression of the large majority of members of the Bar when I say that the opinions of the court bear the impress of the painstaking labor of the judges who wrote them, and of the court in whose name they are given.

When we consider the annual number of cases in that court, the variety of them, the state-wide importance of so many of them, the size of the records, and the complexity of questions of fact and of law to be adjudicated, we have good reason to congratulate the people of the State, the court, and ourselves, that the court keeps up so effectively with its docket.

We are not so fortunate in our cases in the Appellate Court of the First District as that court is overburdened with the enormous number of appeals which find their way to it from the Circuit, Superior, County and Probate Courts of Cook County, and the Municipal Court of Chicago and one or two City Courts. That is, however, not the fault of the able judges of that court, but of the legislature, which freely affords easy appeals to that court, but fails to provide an adequate judicial force to dispose of them in a reasonable time. The people must choose between the present long delays in disposing of appeals, the court working slowly, and not always efficiently, under harrassing conditions, and constant overpressure, and the speedy and well considered disposal of cases by that court with an adequate force of judges to do the work.



First the just, and next the prompt ending of litigation, should be the first consideration of every legislator, as it is the wish of every honest citizen, and there ought to be no hesitation in providing another branch court, or making such disposition of the pending cases, in that court, as will enable the court, in justice to the litigants and the people, to dispose of all its cases within the term within which a case is docketed.

The best immediate result for litigants in that district can be obtained by relieving the judges from filing opinions in affirmed cases. Every lawyer of experience knows, that given the facts in a particular controversy, he can very soon settle, in his own mind, so as to advise his client, the law in the case, and yet if required to write a detailed opinion he has to expend a wearisome half day or day in writing it, which opinion in the end is no more satisfactory to his client than his oral opinion.

When we come to our *nisi prius* and Municipal Courts we are, however, not on such congratulatory grounds. Under the method of selecting judges for our *nisi prius* courts now, by the direct primary, and later, election, it is not always possible to obtain the most learned and most competent men for the positions. On the whole, while there are notable failures and unfortunate selections by the voters, most often upon sudden political changes, still neither the Bar nor the people have great reason to complain except in one court. We expect from the courts honesty, learning, industry, and, as nearly as human nature is capable of it, freedom from harmful prejudices, that is, fairness. When we have those qualities in fair measure, in judges, litigants have all to which they are entitled.

The Municipal Court has too great and too wide a jurisdiction for the character and legal caliber of many of the men who have, most unfortunately for the people, occupied places in that court. To further extend the jurisdiction of that court, as is now sought to be done, would be nothing less than a public calamity.

The law cannot be disassociated from the courts. And as honest men cannot conceal from ourselves that there is public dissatisfaction with the law and that vents itself in criticism of the courts, more especially the trial courts, in all great commercial

centers, and that such dissatisfaction has been expressed time and again generally, and concretely, by Presidents of the United States, by judges and lawyers, and by able writers in the magazines and newspapers. The public has become imbued with the idea that there is something wrong with all courts. Hence, first a profound change in their makeup is threatened. No man can foresee what ultimate effect the direct primary will have upon the makeup of the courts and upon the law; and when to that is added the initiative, the referendum, and the recall, as is the case already in one new constitution, we may pause a moment to consider its likely effect.

The referendum now is intended to apply only to acts of the legislature. But courts make law, as well as declare it. What is to hinder, as the next logical step in democratic progress, having a referendum on opinions and judgments of the Supreme Court, upon politico-legal questions,—say, for instance, a legislative appointment; or, if that is too great a stretch of the imagination, we can have a practical question in the recall.

The new Arizona constitution applies the recall to judges, as well as other elective officials. With that before a judge in some hotly contested case of general public interest, which way is the judge apt to lean? Quite likely toward the side that can most effectively work a "recall election" on him. It would probably have the effect of increasing *per curiam* opinions in the Appellate Courts. In such case there would be strength in union. There have been instances in this State where an able judge has been driven from the bench by a refusal to re-elect, for an unpopular opinion.

The recall adds one more terror to disturb the judicial peace of mind when there should be only quietness of mind and certainty of tenure, and of re-election.

At bottom these progressive movements for greater de- in the Federal and State governments are based upon the suspicion that laws have been enacted largely for the benefit of dominant financial interests, to the detriment of the people at large—and it is time that the people prove themselves the dominant

interest by means of direct election of United States senators and the other reforms just referred to. .

Passing, however, questions of the future, and taking up the present, we may ask what are the public causes of discontent with the administration of justice through the courts. In my judgment they may be grouped under several heads:

First: The uncertainty of the law.

Second: The break-down in the administration of the criminal law.

Third: Dissatisfaction with the law of master and servant.

Fourth: Impatience of the business men with the dilatoriness and expense of jury trials in civil cases and the adherence to rules of evidence out of keeping with modern systematic business methods.

Fifth: The political power vested in our courts as one of the three co-ordinate branches of our Federal and State governments respectively.

Time forbids much elaboration of any of these criticisms.

The development of the natural resources of the United States within the past quarter century, and the expansion of interstate and foreign trade and commerce, has made business and professional men acutely sensible of the variety of modern statute laws upon many subjects recently coming within the purview of legislatures and the uncertainty of all laws where dependence must be placed solely upon the common law.

We have, this morning, had an illustration of how difficult it is for lawyers to agree upon even a few changes in procedure intended only to simplify and expedite the trial of causes to just and speedy results; hence the ever growing difficulty confronting the lawyers and courts in their search for a remedy for existing evils of too much law.

Senator Root said recently in addressing the New York State Bar Association:

"The mass of judicial reports has grown so great that it begins to seem as if before long, we shall have to burn our books, as the Romans did, and begin anew."

As to Roman law in Justinian's time, Gibbons says:

"The reformation of the Roman jurisprudence was an arduous but indispensable task. In the space of ten centuries the infinite variety of laws and legal opinions had filled many thousand volumes which no fortune could purchase and no capacity digest."

And we must consider the simplification of procedure, as well as the codification of substantive law, but no one man can do that, either for our State or for the nation. To put through at one session of the legislature a bill of over 1,800 pages for re-casting much of the law of the State, drafted by one man, skillful lawyer though he may be, without long and intelligent consideration and debate by judges, lawyers, publicists and business men, would be the very height of legal folly, would cause great needless expense to litigants and the public, and would make legal confusion worse confounded.

In this matter let us keep in mind that laws are slow growths and cannot be violently torn away from their foundations, and substitutions made, without injury. Let us keep in mind the caution of an able writer on civilization in Europe when he says: "In civilized life, society is ever under the imperious necessity of moving onward in legal forms, nor can such forms be avoided without the most serious disasters forthwith ensuing.

"To absolve communities too abruptly from the restraints of ancient ideas is not to give them liberty, but to throw them into political vagabondism, and hence it is that great statesmen will authorize and even compel observances, the essential significance of which has disappeared, and the intellectual basis of which has been undermined."

And let us take a lesson from what Germany did in framing its Code, put into force on January 1, 1900. A commission of able judges and lawyers was appointed in 1874—the work being distributed so that each member worked individually on the subject assigned to him. These men faced the most unique as well as most intolerable condition of private law that the world had ever seen. That work was pursued seven years.

The commission met in 1881, and carried on its debates for

six years. The drafts and arguments in support, consisting of six large volumes, were then submitted to the lawyers and the public at large, for criticism and suggestion. That took three years.

In 1890 the work was submitted to a new commission of twenty-one members, composed of jurists, economists, leading men of each of the political parties and representatives of commerce, industrial arts and agriculture. That commission worked over four years and then submitted its draft to the governing powers, and ultimately the Reichstag, or parliament. After a general discussion it was sent to a new commission which reported in less than five months and its work was adopted. The new Code was promulgated on August 18, 1896, to take effect throughout the Empire on January 1, 1900. This Code is published in a single volume of less than seven hundred loosely printed pages in the English translation.

The difficulties are such that we can look for no immediate relief in codification.

There is dissatisfaction with the political powers vested in the courts and especially the assumed one of declaring invalid laws that are popular, or supposed to be so. This doctrine has been pushed to an extreme by the Federal courts in their interventions with State laws, and with acts of Congress—notably of late years, the Income Tax law.

As no court, other than an American court, possesses such power, it is sure to be questioned more and more with the wider adoption of the initiative and referendum.

Every lawyer will bear me out in my statement that business men fairly detest appearing in court in a jury case, not by reason of unwillingness to testify but by reason of the loss of time in awaiting the call of the case, the slow empaneling of the jury, and the difficulty of making proof in accordance with the rules of evidence which are obsolete, and over constant technical objections to facts, accepted offhand as facts in every-day business transactions of the greatest magnitude. The business man risks his money, his business and his reputation, on published statements, reports and conclusions, which are the work of many men perhaps widely separated. The courts require the often impossible task of

proving every step of such a process with the result that an otherwise good case cannot be established in court.

An illustration was given in this morning's debate, of two weeks being spent in proving items of an account which was then admitted to be correct. This evil can, in large part, be corrected by decisions and rules of court, even to the extent of reducing the delays in the empaneling of juries.

From one end of the land to the other, and especially in great manufacturing, transportation and commercial centers the courts are overloaded with damage cases for personal injuries, a large proportion of which arise out of the relation of master and servant.

A large proportion of the articles on criticism of courts which appear in newspapers, popular magazines, reports of sociological workers, social settlement magazines, other publications and editorials, are based on the alleged injustice to the employe by the present laws, and great popular sympathy is excited by specific instances of repeated trials of just causes of action, or final defeat. The number of employes directly interested in that subject makes it a live one. The one side of the case in which the employers are mulcted out of large sums of money by fraudulent claims supported by perjury is not wanted for publication, nor cases where courts have defeated such fraudulent claims. But the fact that the law affords no remedy for many injuries actually suffered is made a charge for dissatisfaction against all courts.

I can see only one satisfactory remedy for this complaint and evil, as it is in many ways—and that is, by the enactment of a law under the police powers of the State on master and servant, along the lines adopted in England and continental countries which shall provide for reasonable weekly or monthly compensation during disability for the surviving family in case of fatal injury in all cases except those wilfully incurred. When that is done, the courts will be freed from an irksome and difficult class of cases and will have an abundance of leisure time to devote to all other litigation.

If there can be said to be anywhere a break-down in the ad-

ministration of the law, it is in the criminal courts. These courts present the spectacular and dramatic side of the law and of life. They are the ever-present source of sensational items for the newspapers. The disagreement of juries, the unexpected acquittals, the failures and delays in bringing notorious criminals to the bar, the long delays in securing a jury in much discussed cases, and the venality of individual jurors, are the daily themes of executives, statesmen, jurists and writers. It must be said that much of the criticism is well founded. Comparisons with other civilized countries show ours to be woefully ahead in crimes committed against the person, homicide especially, and woefully in the rear in punishing the criminal.

The heterogeneous population of our great centers, where the serious and disproportionate number of crimes are committed, require that the criminal laws shall be enforced with efficiency and certainty. That remedies must be found is certain. We cannot go on as we have been with increasing crimes and decreasing punishments.

We hear much of the celerity of English criminal law, especially as illustrated in the Crippen case. Crippen was most likely guilty but the American lawyer and the American citizen shrink from hustling a man to the gallows in that style. I have the impression from a careful reading of the reports of the case, that one of Crippen's capital mistakes was in having been born an American.

We must seek our remedies according to American methods. I have none of my own to offer, but I ask leave to subscribe to the conclusions reached by Charles C. Nott, Jr., Assistant District Attorney for New York County, as set forth concisely in an article in the February Atlantic Monthly, entitled, "Coddling the Criminal."

I will tax your patience by reading a few paragraphs from his article:

"While figures are but dry mental food, the following will illustrate very well the safeguards which the law throws around persons accused of crime. In the year 1909, 6,401 cases of felony

were disposed of in the County of New York. Let us see what the chances were that, out of this large number, an injustice could have been done, AS AGAINST A DEFENDANT,—not as against the State. The grand jury in that year dismissed 1,342 cases, leaving 5,059 no defendant as yet having been wronged. Of these 5,059 cases, the District Attorney recommended the discharge of the defendant, or dismissal of the indictment, in 928 cases, leaving 4,131 cases, and no defendant wronged as yet. Of these 4,131 cases, 481 were disposed of in various ways, (such as bail forfeitures, discharges on writs of *habeas corpus*, etc.), favorable to the defendants, leaving 3,650 cases, and no defendants wronged as yet. In 2,602 of these 3,650 cases, the defendants pleaded guilty leaving 1,048 cases, and still no possibility of injustice to a defendant. In 585 out of these 1,048 cases, acquittals, either by direction of the court, or by verdict, resulted, leaving only 463 cases out of 6,401, in which any mistake against a defendant could have been committed. These 463 cases, winnowed out of 6,401, were invariably presented to juries under instructions by the court, that 12 men would have to be convinced as one man BEYOND A REASONABLE DOUBT, of the defendant's guilt, before convincing; and in each of these 463 cases, twelve men were so convinced and returned a verdict of guilty. The law still further safeguarded the rights of these defendants. While the State was allowed no appeal in any of the 585 cases in which it was unsuccessful, each defendant convicted had an absolute right of appeal, and 104 appeals were taken during the year, resulting in eleven reversals of convictions, and leaving 452 cases, in the final result, in which there could have been any chance of injustice to a defendant. Of these 452 defendants, many received suspended sentences, and to the remainder an application for executive clemency or action in case of injustice, is always open."

"The uncertainty of punishment is largely due to the extension in our criminal jurisprudence of two principles of the common law, which were originally just and reasonable, but the present application of which is both unjust and unreasonable." \* \* \*

"The two principles are: that no man shall be twice put in jeopardy of life or limb for the same offense; and that no man shall be



compelled to give evidence against himself. Under the common law, as it existed long after these principles originated, every felony was a capital offense, and every misdemeanor was punished with branding, mutilation, or transportation. There were no prisons except those for detention for trial. After conviction, the defendant was hanged, or his ears were cropped, or he was transported to the colonies. At his trial he was not entitled to counsel. He could not take the stand and testify in his own behalf, even if there were no witnesses available to him. If convicted he was allowed no appeal. This being the state of the law, the justice of the two principles referred to is obvious." \* \* \* "But the original situation no longer exists. Capital punishment is abolished in most States, save in cases of murder in its first degree, and mutilation and transportation no longer exists as punishment for crimes. The accused is entitled to the advice and services of counsel. He may take the stand in his own behalf. The right of appeal is granted him WHILE DENIED THE STATE." \* \* \* "The fact that a defendant can appeal from a conviction and can review on appeal all errors committed by the trial judge, or any misconduct on the part of the District Attorney, while the State can take no appeal from an acquittal, no matter how glaring may be the errors of the trial judge, or the misconduct of the defendant's attorney, has an enormous practical effect on the conduct of the trial, none the less so for all that it is not commonly understood or appreciated." \* \* \*

"It is a safe assertion that, under our present system, fully seventy-five per cent of judgments of acquittal could be reversed on appeal for errors committed against the prosecution.

"If the State could take an appeal, this percentage would at once drop enormously, even if the right to appeal were but seldom resorted to, and such arbitrary acts as those just cited would practically cease." \* \* \* "If the State were given the right to appeal, the character of criminal trials would so improve that the right would only have to be availed of in comparatively few instances."

"When we turn to the second principle of the common law,

that no man shall be compelled to give testimony against himself, the same condition of things confronts us,—a principle just and reasonable in its original application, warped, and stretched out of all reason and justice.”

“What objection is there in reason to calling, through a magistrate, upon a defendant immediately upon his arraignment to state his explanation, upon pain of being precluded from testifying upon the trial, if he refuse to give such explanation when required by the magistrate? It cannot be too firmly kept in mind that the present practice is *solely* for the benefit of the *guilty*. The innocent man is always eager to give his explanation and does so at the first opportunity and it is always to his interest so to do. But the guilty is now enabled by the law to remain mute, to learn the evidence against him, to concoct his defense pending trial, and to come into court fully acquainted with the case against him, while the District Attorney only knows that the defendant has pronounced two words ‘Not guilty,’ under which he may prove an alibi, self-defense, insanity, or any other defense applicable to the case.” \* \* \*

“All of this state of affairs would be practically reformed by two changes in the law: The first granting a right of appeal to the State, to review all errors of law committed upon the trial; and the second providing for an examination of the defendant by the committing magistrate, and forbidding the defendant to take the stand upon his trial in case of his refusal to answer.” (Applause.)

THE PRESIDENT: In certain quarters it has been long wondered whether the country lawyer really could amount to anything. It has been wondered whether any good thing could come out of Nazareth. A long time ago, and just how long is not material to this question, in the County of Woodford, in the little town of Matamora, there lived a State’s Attorney. He had been successful at the Bar and headed a firm which became the leaders of the Bar in that portion of the State. He became Congressman,—added luster to the State of Illinois in the halls of Congress. He became Vice President of the United States, and endeared himself to the hearts of the nation as the presiding officer of the Senate, and he is with us to-night, and it gladdens our hearts to welcome

him and have him respond to the toast, "The Bar." I present to you Gen. Adlai E. Stevenson. (Applause.)

MR. ADLAI E. STEVENSON: This has, indeed, been a red letter day for the Bar of Illinois. The exercises in the splendid building, the splendid temple of justice of the State, have been of a most interesting character. February has added another to the great, historic days,—the 22nd, the 12th, and now the 16th, the day that has witnessed the unveiling of the portraits of the splendid men who have filled the position of judges of our highest court in the State. It has been a delight to all of us to witness the proceedings and to hear the magnificent speeches that have been made touching our history under the first, second and the third constitutions of our State. I was very much delighted at the comment that was given of Judge John Reynolds. It was my good fortune when I was a boy,—how long ago that was—well, I have too much respect for my friend, the presiding officer, to give any dates upon that question. (Laughter.) I had the pleasure of seeing Justice John Reynolds and hearing him describe some of the incidents of the early times. The distinguished gentleman who gave the account of him to-day omitted one opinion. In Breeze is an opinion by Justice Reynolds that has afforded some amusement to lawyers, and probably will, to the end of time. The Court at that time consisted of four judges, and John Reynolds rendered the opinion of the Court, as he supposed. He wrote an opinion that comes down to us in Breeze, in which he recites the facts and then discusses the law very fully, in the case, and he says: "For these reasons the judgment of the court below should be reversed, but inasmuch as the Court is equally divided, the judgment is, therefore, affirmed. (Laughter and applause.)

In looking over the portraits of the judges, I see that of Judge Richard M. Young. You will remember what Governor Ford said of him. Judge Young resided in Quincy, his circuit included Galena and Chicago and all the intermediate country, and he said Judge Young possessed one splendid quality for a circuit judge, he was a good horseback rider. (Laughter and applause.)

Now, gentlemen, you seem to be in a pretty good humor; I

would like to read to you a report, not in Breeze or in any of the Illinois reports of five or six hundred volumes, I don't know how many—

THE PRESIDENT: Four hundred and fifty.

MR. STEVENSON: Four hundred and fifty? But my friend Mr. Phillips, late reporter of the Supreme Court, now unfortunately confined to a bed of pain—we hope he will soon be with us again—requested me to write out for this Bar meeting and report a case that I once witnessed the trial of in the mountains of Kentucky. If there is no objection upon the part of the Court I will read this. It is not cited as an authority. (Laughter.)

THE STATE VS. GARDNER.

In one of the mountain counties of Kentucky, there once lived an individual named James Gardner. Jim, at his best, was possessed of few of the attributes considered essential in the make-up of a good citizen. In other words, he was, in mountain parlance, "a fighting man"—in fact, the terror of the whole country around. He was twice under indictment for murder, but upon each trial he proved, by sundry good and respectable witnesses, that he was a peaceably disposed citizen; not the kind of a man, of course, to be imposed on, but if let alone, he was inclined to be peaceable.

But a few months had elapsed after his acquittal upon the above mentioned charges, and he was again in durance vile for a murder more atrocious than either of its predecessors. This time the Commonwealth's Attorney, backed by many of the best men of the county, determined to leave no stone unturned to secure his conviction and have the community rid of him either by hanging or by life sentence in the penitentiary.

The trial proceeded, and a clear case was established in some respects of peculiar enormity. Sure enough, however, sundry good and respectable witnesses testified as before to defendant's being a peaceable, law-abiding citizen, when not imposed on, etc.

In looking around over the court room for witnesses with whom to rebut the testimony last mentioned, the Attorney for the Commonwealth saw leaning against a post in the rear of the court room a long, gawky, simblen-headed fellow, named Sam Kirby.

Remembering that he had once prosecuted the defendant for attempting to cut the throat of this same Kirby, he concluded that the latter would be a reliable witness by whom to prove that Gardner was not a peaceable man. The Sheriff was thereupon ordered to call Mr. Kirby. Greatly embarrassed, the latter finally pulled himself together sufficiently to shuffle forward to the witness stand, and drop into the seat provided.

"Hold up your hand and be sworn, Mr. Kirby," said the Commonwealth's Attorney. After vainly attempting with his left hand, the witness finally got his right hand upon the Book and received the required oath. In reply to the usual preliminary questions, his name, age, and place of residence were with some difficulty disclosed. With fears equally balanced between the penitentiary on the one side for false swearing, and Gardner on the other if he should "swar agin him," the answers following were given:

Attorney: "Mr. Kirby, are you acquainted with James Gardner, the defendant?"

Witness: "Do I know Garner?" replied the witness, in apparent surprise.

"Yes, sir," said the attorney; "don't repeat the question, but just tell the jury whether you know James Gardner, the defendant."

"Yes, I know Garner," said the witness, looking toward the accused with the air of one who still desired to keep up friendly relations.

Attorney: "Now, Mr. Kirby, state whether or not you consider Gardner a quarrelsome and dangerous man in the community?"

"Who, Garner?" replied the witness in a tone indicating still greater surprise.

"Yes, yes," insisted the attorney; "just tell the jury what you think of Gardner being a dangerous man.—By the way, Mr. Kirby, I see a scar on your throat. How did you get that scar?"

"What, *this* scar?" said the witness, touching with his finger a deep gash extending half-way across his throat.

"Yes. Don't repeat the question, but tell the jury how you got that scar."

"Garner, he gin me *this* scar," answered the witness, as with a half grateful expression he turned toward the generous Mr. Gardner.

"Now, Mr. Kirby," continued the attorney, "tell the jury the circumstances under which the defendant gave you that scar."

"Well, it wer Saturday evenin', and we wus all down by the grocery at the cross-roads a pitchin' uv dollars fur the drinks, and I wer thar, and Garner wer thar, and Sam Hockaday wer thar, and Moze Hudgins wer thar, and Levi Myers wer thar; and Garner he wus lyin' on the grass a-keepin' uv the sco' uv the game, when some one perposed, I don't know adzackly amember who, but some one perposed that we all go down to the grocery and buy us all a drink. Well, I agreed to it, and Garner he agreed to it, and we all agreed to it, and as we wus all gwine down to the grocery, I wus walkin' along behind Garner—Now, I had nuthin' agin Garner, you know—but it just 'curred to me that I would knock his hat off, and I jist upped and knocked his hat off, you know, and Garner he jist remarked: 'You white livered scoundrel if you do that agin I'll cut your throat.' Well, arter we all got back we wus pitchin' dollars agin for the drinks, and Garner he wus lyin' on the grass a-keepin' uv the sco' of the game, when some one perposed that we all go down to the grocery and buy us all a drink. Well, I agreed to it, and Garner he agreed to it, and they all agreed to it; and as we wus all gwine along I wus walkin' behind Garner. Now, I had nuthin' again Garner, you know; but it 'curred to me that I would jist knock his hat off to see if he would do what he promised. So I ups, and knocks his hat off, and Garner he right away gin me, *this* here scar. It jist then 'curred to me, that thar were no place fur me, so I lit out for tall timber; and Garner he grabbed up a pitch fork and lit out atter me."

The attorney, interrupting, inquired: "How many prongs did that fork have, Mr. Kirby?"

"How many prongs did *that* fork have?" was the not unexpected reply.

Again admonished not to repeat the question, the witness proceeded:

"It mout a had three, or it mout a had four; I never stop to count the prongs, you know. At fust I had the heels on Garner, you know, but he kep a gainin' on me, and made the last stob with the pitch fork, jist as I hove in sight uv my cabin."

"Now, Mr. Kirby," interrupted the Attorney for the Commonwealth, "how far was it from the place where the defendant gave you that scar, to your cabin?"

"How fur was it frum the place Garner gin me *this* scar, to my cabin?" said the witness. "Well, it mout a bin a mile and three quarters, or it mout a bin two mile, I never stop to measure the distance, you know. But jist as I hove in sight uv my cabin, my wife she open the door and I dove in, and as Garner he come runnin' up, she drap him with the axe."

"Now, Mr. Kirby," said the Attorney for the Commonwealth, in a tone indicating great confidence, "what do you now say to Gardner being a dangerous man?"

"Who, Garner?" replied the apparently astonished witness.

"Yes, Gardner," repeated the attorney.

"I wouldn't want to say that about Garner," was the answer.

"Well, in God's name," said the now indignant Attorney, "if you couldn't say that about a man who cut your throat and then chased you two miles, and would have killed you with a pitchfork if your wife hadn't dropped him with the axe,—if you can't say that, what would you say about him?"

"I would say," thoughtfully replied Mr. Kirby, "that *Garner were a very onproper person for to go a projicken with!*" (Laughter and applause.)

I count it a high privilege, Mr. President, to meet under such happy auspices, so many of the members of the Bar Associations of Illinois and of Sangamon County. The high aim of these and similar associations, as has been truly said, is "to advance the science of jurisprudence, promote the administration of justice, encourage thorough legal education, uphold the honor and dignity of the Bar, cultivate cordial intercourse among lawyers, and per-

petuate the history of the profession and the memory of its members."

To have borne even the humblest part in such accomplishment is worthy the loftiest ambition—is fitting reward for years of professional toil.

The lawyer is a necessity in popular government. He is, in large degree, the preserver no less of liberty than of order. This was never more clearly expressed than by one whose memory all lawyers honor, Rufus Choate, when he said: "The profession of the Bar, in all political systems and in all times, has possessed a two-fold nature; it has seemed to be fired by the spirit of liberty, and yet to hold fast the sentiments of order and reverence and the duty of subordination; it has resisted despotism, and yet taught obedience; it has recognized and vindicated the rights of man, and yet has reckoned it among the most sacred and most precious of these rights to be shielded and led by the divine nature and immortal reason of law."

The profession of the law is not a mere trade or calling—"but essentially a department of government." In an important sense, then, each American lawyer is an office bearer under our wondrous fabric of government. My words, then, are to

"You, who hold a nobler office upon the earth  
Than arms, or power of brains, or birth,—  
Could give the warrior kings of old."

Law as a profession is the necessary outgrowth of civilization. In his rude state man avenged his wrongs with his own strong arm, and the dogma "might makes right" passed unchallenged. But as communities assumed organic form rude tribunals were instituted for the administration of justice, and the maintenance of public order. The progress of society from a condition of barbarism, ignorance and superstition, to a state of the highest culture and refinement, may be traced by its advancement in the modes of administering justice, and in the character and learning of its tribunals. The advance steps taken from time to time in the history of jurisprudence are the milestones which stand out on the highway of civilization. All along the pathway of human progress the courts



of justice have been the true criteria by which to judge of the intelligence and virtue of our race.

With the institution of tribunals, however rude, for the administration of justice, arose the necessity for a distinctive profession—men learned in the law and skilled in its practice. Chancellor Kent has well said: "The necessity of a distinct profession to render the application of the law easy and certain to every individual case, has always been felt in every government of written law. As property becomes secure, and arts are cultivated, and commerce flourishes, and when wealth and luxury are introduced and create the infinite distinctions and refinements of civilized life, the law will gradually but necessarily assume the nature of a complicated science, requiring for its application the skill and learning of a particular profession."

The law, as a profession, is progressive. Of necessity its practice must adapt itself to the ever changing conditions of human society.

"New occasions teach new duties.

Time makes ancient good uncouth."

All wisdom did not die with the fathers. Many of the maxims of the early writers are obsolete. Much of their abstruse learning belongs to the past. The technical rules of pleading have, in most of the states, given place to those adapted to the promotion, not the defeat, of the ends of justice. The success of a suitor must, in the main, depend upon the justice of his cause—not upon the depth of the research of his counsel into the mysteries of "the black letter." The words of Lord Bacon may be recalled: "What men will not alter for the better, Time, the great innovator, will alter for the worse." As a great theologian has said: "In a higher world it is otherwise; but here below, to live is to change, and to be perfect is to have changed often."

Every step is in the right direction which tends to simplify judicial proceedings—to avoid the meshes in which a cause was wont to be entangled—and thus vigilantly guard the rights of suitors. The "be all and end all" of judicial proceedings, should

be—with the least delay and expense practicable to secure the ends of justice.

“For Justice—all place a temple,—and all season summer.”

It has been said that “the law is a jealous mistress,” and that he who would attain eminence or even moderate success in the profession must know no other love. Too often the student is taught that attainment of the highest success in the profession of the law is absolutely dependent upon the fidelity with which he ignores all other lines of thought and action.

Politics has been defined as “the science of government.” In its highest sense it is the science in action of important human affairs. I dissent from what I conceive to be the pernicious teaching that the lawyer must hold himself wholly aloof from politics—which means that to hands other than his own must be unreservedly committed his dearest interests. Such teaching can be justified only upon the supposition that money-getting is the highest aim of those who enter this noble profession. If material gain be his only purpose in life, then assuredly there are paths which promise greater rewards than can be hoped for in the profession of the law. The same talents successfully applied in other fields would bring to his coffers far greater gain. If riches be his chief good, they can be attained with much less of endeavor, less of wear and tear of brain, in any of the great industrial enterprises which are the outgrowth of modern civilization.

But if it be true that the lawyer has higher aims, then upon his shoulders must of necessity rest no small part of the responsibilities which attach to citizenship in a free government. The teaching that he who would attain the greatest meed of success in a calling which has as its corner-stone character and intelligence, must cast to the winds all responsibility of government, take no practical concern as to who controls public affairs, must bear pernicious fruit in a government of the people. Can it be doubted that many of the abuses in the practical administration of public affairs have sprung from the teachings I have mentioned?

Is it less true to-day than when the words were uttered by

the great Englishman: "The Bar is inseparable from our national life, from the security of our national institutions—the calling upon which, in no small degree, depend the rights and liberties of both individuals and nations. Is it not itself high privilege and duty to supply the just weights and balances of the scales of justice, and stand forward for the weak and helpless upon great occasions when public liberties are in question?" How suggestive, then, these words of the measureless responsibilities resting upon the American lawyer. In a government by the people it is his to formulate and interpret the laws. Of necessity he sits in the high places, where his utterances become "the living voice of the Constitution."

In the formative stages of a representative government the services of the lawyer are indispensable in formulating its fundamental law, and the statutes under it, necessary to the security of life, property, and domestic happiness. The training and work of a lawyer in a free government lead him to observe all the processes, public and private, by which the citizen secures, establishes and maintains his rights. The hostility to the profession, which has from time to time manifested itself in many localities, and among certain classes, in the main arises in times of national tranquility, when the work of the lawyer has been done in writing the laws and shaping the governmental polity.

We take pride, and justly, in the matchless growth of our country during the last half century. In marvelous development, increase in population and material wealth it knows no rival. The reality far exceeds all that was hoped for or predicted by the most sanguine enthusiast. We may well stand appalled in the contemplation of its wondrous possibilities. What of the future? We know that questions of vital moment have been determined—grave problems have been solved—during our brief life as a nation. And yet, who can doubt that along our future pathway will arise conditions equally fraught with peril to our national safety, as any that in the past have tested the wisdom and the patriotism of our fathers?

The future danger is not from foreign foe, as during the first

two decades, nor along sectional lines, as at a later period of our history. But, with the multiplication and increase of individual fortunes, thus emphasizing the distance that separates their possessors from the toiling millions; with the rapidly augmenting power of aggregated wealth, and the murmurings and unrest that "follow as night the day;" with the influx and growth of an element whose principle in action is the destruction of the safeguards of law and Constitutions; with the rapid increase in every field of endeavor of appliances which mercilessly dispense with the labor of human hands; and with population pressing upon the means of subsistence—who can doubt that from all these may spring dangers to society, to the State, unknown to the first century of the republic?

The all-important inquiry, then, wherein will lie our safety? Who can doubt that history will repeat itself, and that the lawyer will be found in the forefront of those who stand as the bulwark of what it has cost our race the struggles of centuries to achieve. As in the past, the lawyer will stand for the existing order of things; for liberty regulated by law; it will be his to conserve, to strengthen, not to destroy, the foundations of our social fabric. In a degree that words cannot measure, our protection will be in our courts of justice. An intelligent and incorruptible judiciary will prove indeed our city of refuge. Truly and eloquently has it been said: "The judiciary has no guards, palaces or treasuries, no arms but truth and wisdom, and no splendor but justice and the publicity of its own judgments."

It needs no prophet to foretell that the present century will witness a general diffusion of knowledge among all classes of our people, and an advancement along all lines of useful and polite learning, unknown to the past. Along the pathway that leads into new fields of thought and of endeavor, whether in the sciences, or arts, or great affairs, the lawyer who would maintain the prestige of his profession, must tread.

It was the taunt of Lord North, at the beginning of our revolution, that "the leading colonists are lawyers, each thinking

himself capable to hold a brief against the crown." The charge was not entirely without foundation, for of the lawyers who excited the sneer of the British minister, twenty-six were signers of the Declaration of Independence; and of the sub-committee who crystallized its deathless principles into form, all were lawyers, with the exception of Benjamin Franklin. The impress of the genius of the colonial lawyer is indelibly stamped upon our great organic law, wherein are garnered up for all the ages the fruits of the successful struggle for independence. Words cannot measure our obligation to the lawyers who, in the convention of 1787, formulated and bequeathed as an enduring legacy to their countrymen, the great compact, which for more than a century has held people and states in one indissoluble Union. Of such might the words of Macaulay have been uttered: "Nobles by the right of an earlier creation, and priests by the imposition of a mightier hand."

Wilson, the lawyer, whose conservative genius was illustrated no less in formulating the Constitution than at a later day, as a member of the great court, in giving wise and salutary interpretation to its provisions. It was Pinckney, the lawyer, who supplemented his great services in the convention, by diplomacy no less brilliant at the French court. No American can forget his reply to Talleyrand's insulting alternative to the young republic of indemnity or war: "Millions for defence, not one cent for tribute!" The wisdom of Washington was never more clearly exhibited than in the selection of the first great law officer of his administration. Edmund Randolph, chief among the builders of the Constitution, was the fit associate of Jefferson and of Hamilton at the council board of the first President, during the crucial period of representative government. Madison, the lawyer, has been truly called "the father of the Constitution." Of Hamilton, the lawyer, it was said: "He touched the corpse of the public credit, and it sprang upon its feet."

The great chief justice of our highest court, John Marshall, has not inaptly been called "the second maker of the Constitution." It was Jackson, the lawyer, who, having achieved victory over the enemies of his country at New Orleans, achieved a yet greater

victory over himself by returning his sword to its scabbard, and bowing in submission before the majesty of the offended law. It was Webster, the lawyer, whose matchless exposition of the Constitution cast a weird spell over his countrymen, and three decades later nerved the arm of every defender of the federal Union. It was an Illinois lawyer, who, at a masterful moment, uttered words that will live while we have a country and a language: "That this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth."

It is not the unwritten, but the written law, that henceforth is to vex the soul of the practitioner. In no unimportant sense is this the age of monster libraries. "Of making many books there is no end." Professor Phelps is authority for the statement that it is easy to find single opinions in which more authorities are cited than were mentioned by Marshall in the whole thirty years of his unexampled judicial life; and briefs that contain more cases than Webster referred to in all the arguments he ever delivered.

Possibly it may be true that the utterances of eminent men had much to do, at an earlier period, in forming public opinion as to the law and its ministers. I have somewhere read that: "The Roman Augurs always smiled when they met each other on the streets." If a moiety of the uncharitable speeches about lawyers were true, they may well smile when they meet each other on the streets or in the temple! Two centuries ago a great divine wrote:

"God works wonders now and then;  
Here lies a lawyer, an honest man."

A century earlier the immortal bard had written: In law, what plea so tainted and corrupt, but seasoned with a gracious voice obscures the show of evil." It was Aaron Burr who defined law to be "that which is boldly asserted, and plausibly maintained." You cannot have forgotten the hideous epitaph proposed by Wendell Phillips for an eminent advocate of our day: "He made it safe to murder, and thieves inquired about his health before they began to steal!"

Recalling the words of Bastiat, that "the ogre war costs as

much for his digestion as for his meals," the American lawyer will be no mean factor in the establishment of permanent international courts by which peaceable arbitration will be substituted for arms in the future adjustment of the controversies of nations. In this connection, the words of an eminent lawyer are timely: "With the coming of the lawyer, came a new power into the world. The steel clad baron and his retainers were awed by terms they had never before heard and did not understand, such as precedent, principle, and the like. While the church was the emissary of peace, she was, to a great extent, the mother of strife. The great and real pacifier of the world was the lawyer. His parchment took the place of the battlefield. The flow of his ink checked the flow of blood. His quill usurped the place of the sword. His legalism dethroned barbarism. His victories were victories of peace. He impressed on individuals and on communities that which he is now endeavoring to impress upon nations, that there are many controversies that it were better to lose by arbitration than to win by war and bloodshed."

In large measure it will be the high mission of the lawyer to make possible conditions that tend to abiding peace between our own and foreign nations. "Peace that hath her victories, no less renowned than war;" peace, in whose train are happy homes, songs of rejoicing, the glad laughter of children, the planting of trees, and the golden harvest.

No mere human calling affords such opportunities for the attainment of noble ends, the accomplishment of glorious purposes. Upon the lawyer of great opportunities rest great responsibilities. To whom much is given, of him much will be required. In proportion as the lawyer is endowed with great talents, are his responsibilities great. In proportion as are his opportunities, will be demanded of him the talents given, with usury, at that tribunal whose judgments are founded in wisdom, and from whose decrees there is no appeal.

I have spoken something of the duties and the requirements of the profession; need I speak of its rewards? The greatest is, in the retrospect of a busy professional life, to know that your high

office has never been prostituted to base purposes; that it has never been an engine of oppression; that in you the weak and helpless have ever found a defender; that the victims of injustice and wrong have never sought your aid in vain; that your influence and example have ever been on the side of the right, for compassing the ends that purify, elevate and ennoble our race. As we approach the dark river, from whose farther shore no traveler has yet returned, the consciousness that we have caused the faces of sorrowing childhood to light up with joy; that to the bereaved in her weeds of mourning we have indeed been benefactors, will be more glorious far than to have left behind us monuments of marble, a name in history, or to have worn the jewels of royalty.

Finally, gentlemen of the Bar, may we not abide in the faith that inspired by the words and the deeds of the men of this noble calling, who have made resplendent every page of the first century of our nation's history, their successors, in the near and in the remote future, on the Bench and at the Bar, whatever dangers may menace, will faithfully guard and transmit to the coming ages the precious legacy of a government of liberty and of law. (Applause.)

THE PRESIDENT: This meeting now stands adjourned.





## PROCEEDINGS

— OF —

## The Illinois State Bar Association

AT ITS

Thirty-fifth Annual Meeting, June 22-23, 1911

The Association convened in annual meeting in the Court Room of the Law School Building of the University of Illinois, at Urbana, at ten o'clock in the morning, June 22, 1911, and was called to order by William R. Curran, President.

**THE PRESIDENT:** The Association will please be in order. It has been thought wise to vary the program slightly in its order this morning. Dean Harker, of the Law School of the University of Illinois, will welcome this body. (Applause.)

**DEAN HARKER:** Mr. President, Ladies and Gentlemen, members of the Illinois State Bar Association: In the absence of President James, who was assigned this very pleasant duty, I shall briefly but heartily welcome you. We feel that the Association, by coming to us this year, has paid us a great honor. We are especially glad that you have come at this particular juncture of the University's history. Our welcome is not like that of the ordinary host to the stranger or the visitor. Although the title to these grounds, embracing several hundred of acres, and these buildings representing an investment of several millions of dollars, and all of this equipment, is vested in the Board of Trustees, yet you, with the other citizens and tax payers of the commonwealth, are the owners of the plant. The Board of Trustees and those of us who are here engaged in an endeavor to fulfill the purpose for which this institution was dedicated, are only your agents, and so we welcome you not as visitors, not as strangers, but as owners, to see and inspect your own property.

Many of you have never been here before; some of you may have entertained the same view as to this university that was entertained by a great many citizens up to fifteen or sixteen years ago, which arose out of the name given the institution by the first act of the legislature which constituted it in 1867. It was then called The Illinois Industrial University, and I found, some fifteen years ago or more, while I happened to be one of its trustees, that there were a great many people in the state who supposed, and I think they gained that idea from its name, that this was a sort of reformatory institution for incorrigible, bad boys. Well, we do have some boys come here whom we sometimes think are a little incorrigible, but we endeavor to make pretty good citizens out of them before they leave. At all events, that impression has changed and, although they don't look upon it any longer as a state reformatory institution for the correction of boys that are immorally inclined, those who have not visited the university have but a small conception of its magnitude, and that is universally the verdict of every man acquaintance of mine that comes here and goes over these grounds and inspects the different buildings and their equipment. Do you know, gentlemen, that there is no university in the United States that has had anything like the phenomenal growth of the University of Illinois? Murray Butler, a few years ago, published in one of our periodicals a tabulated statement of student attendance in the thirty largest universities and colleges in the United States for the ten years immediately preceding the publication; the percentage of increase was more than doubled for the University of Illinois over any other institution, 464 per cent. We have now, all told, an attendance of something like five thousand, embracing the students upon this campus and those that are in attendance upon the three schools located in the city of Chicago, that are parts of the university. The improvement that has been going on in the last five or six years has not been so much in the line of increase in student attendance, as it has been in the way of raising the academic standard and securing for the students higher culture; and we have been so situated that we could watch its growth, as many of us here, even though not connected with the

university, have been doing. We know that the increase, so far as efficiency of instruction, so far as increased opportunities for culture are concerned, has been just as rapid as the growth in attendance. And so we are glad to have you here with us.

With reference to the arrangements that have been made I will say, on behalf of the Champaign Bar Association,—and this welcome is extended to you as well on the part of the Champaign County Bar Association as that of the University of Illinois,—that it has been arranged that this evening there will be given to the gentlemen attending, a smoker at the Elks' Hall in Urbana, commencing at eight o'clock. The ladies who are in attendance will be entertained by the ladies of the university and the wives of the members of the Bar, at the Woman's Building. The Woman's Building will be open to the ladies this afternoon. It is a very charming place, for such is the verdict of all of the ladies that visit it. To-morrow afternoon, at the conclusion of the exercises here, at four o'clock, the local Bar Association has arranged to take all of the persons, members and others, that are attending, on automobile ride through the grounds of the university and the two cities. We sincerely hope, ladies and gentlemen, that you will find your visit here enjoyable and that you will feel perfectly at home. It is your property here, you can go with your coats off and barefooted, if you want to, because it is your home. (Applause.)

THE PRESIDENT: Ladies and Gentlemen of the State Bar Association, we are exceedingly glad to be home on our own pasture. We are to be congratulated that our lines have fallen in this pleasant place and that so rare a day in June witnesses the initial meeting of the Association for the year 1911.

(Thereupon William R. Curran delivered the Address of the President, which will be found in Part II.)

THE PRESIDENT: The next matter of business is the report of the Secretary and Treasurer, Mr. John F. Voigt.

The report is as follows:

## SECRETARY'S REPORT.

*To the Illinois State Bar Association.*

GENTLEMEN:

Your Secretary begs leave to submit his annual report as Secretary of the Illinois State Bar Association for the past year.

The work of the Secretary-Treasurer has covered a rather wider field than in former years. The dues of members have been collected and receipted for. The increased number of our members adds materially to this work. Numerous meetings of the Executive Committee have been held and the proceedings reported. Your Secretary has organized a Press Bureau with a view to giving greater publicity to the work of the Association. Announcements and news items are sent to about 300 newspapers throughout the state besides to numerous legal publications. A column of Plate Matter about this meeting was prepared and sent to thirty-four newspapers in different sections of the State upon request from as many editors for the same. Announcements of both the semi-annual meeting and of this meeting and programs for each were in apt time mailed to every member of the Association. In addition to this work, hundreds of letters have been received and personal answers written.

The proceedings of the annual meeting for 1910 were prepared and published under the direction of the Secretary and distributed free of charge to our members, various law and other libraries and exchange made for the annual reports of many other State Bar Associations. 2,065 copies of the 1910 reports were printed at a cost of \$896.00. The reports were delivered by messenger in Chicago at ten cents each, and by American Express in other cities at a cost of sixteen cents per volume.

For the moneys collected and disbursed, the reports of deaths received by your Secretary you are respectfully referred to the reports of the Treasurer and Necrologist.

Many changed addresses have been received and recorded. It is our effort to make and keep the roll of members complete and to have it contain the correct address of every member, so that members of the Association may correspond with each other when occasion requires.

The semi-annual meeting of the Association was held in the Supreme Court Room at Springfield on February 16, 1911. The printed copies of the Conference Bill, prepared by the Illinois Conference on the Reform of the Law, were sent to every member of the Association before that meeting. The only question for discussion at the meeting was the Conference Bill. The discussion was opened by Edgar B. Tolman, Chairman of the Committee on Law Reform and President of the Conference. It was participated in by many lawyers from dif-

ferent parts of the State. In this way the Committee having charge of the bill obtained the sentiments of lawyers from different sections of the State upon the reforms proposed.

The afternoon session was held in the Supreme Court Room where the exercises attending the unveiling of the portraits of the former Justices of the Supreme Court of Illinois took place. Chief Justice Alonzo K. Vickers delivered the opening address. Edward C. Kramer of East St. Louis spoke on "The Supreme Court under the Constitution of 1818." Stephen S. Gregory of Chicago read a paper on "The Supreme Court under the Constitution of 1848." William R. Curran of Pekin had for his subject "The Supreme Court under the Constitution of 1870." The exercises were closed by a response on behalf of the Court by Justice James H. Cartwright.

The meeting closed with a banquet at the St. Nicholas hotel where about three hundred lawyers were present, the ladies not having been invited to that function. President William R. Curran was toastmaster. James A. Connally of Springfield responded to "The State." George T. Buckingham of Chicago, "The Law." Frank J. Loesch of Chicago, "The Courts," and Adlai E. Stevenson of Bloomington, "The Bar." This was a most delightful occasion and a very successful one-day meeting. Good fellowship was in evidence everywhere. The plates were \$2.00 each. The deficiency being \$86.50, the Sangamon County Bar Association paying \$16.51 and the State Bar Association paying the balance of \$70.00. A number of descendants of former Justices of the Supreme Court were present, among them were the Misses Alice and Mollie Stuve, granddaughters of Chief Justice Willson; Mrs. V. Belle Wallace, a daughter, and Henry L. Wallace, a grandson, of Justice T. Lyle Dickey; and John W. Beckwith, the son of Justice Corydon Beckwith.

A larger number of members are taking a greater interest in this Association and showing a greater willingness to co-operate with each other to further its aims and objects than ever before in its history. Your Secretary desires to emphasize especially the desirability of having a County Bar Association organized in every one of the 102 counties of this State, and that each of them be affiliated with the State Association. This will make an effective organization both for the purpose of quickly obtaining the opinion of lawyers in every county upon proposed changes in the law and will make more effective the efforts of the Association in securing the enactment of reforms agreed upon as well as enabling the Association to prevent the passage of laws which are deemed unwise by the Association. There are at present 59 County Bar Associations affiliated with the State Association. I desire especially to urge members of the Association who come from counties

where there is no County Bar Association to take steps to organize the lawyers of their respective counties and seek affiliation with the State organization.

The reports from Bar Associations of many other States have been received as usual. Some of these contain matters of value and of especial interest to us. These reports show that other Associations are working along the same lines that we are and contain much evidence that attorneys in other States are alive to the manifold advantage of co-operation and the necessity for reforms in the administration of the law. We now have about 1,800 members including 88 honorary members, and the applications are still being received. The membership has been more than doubled in the last four years and to-day the Illinois State Bar Association is the second largest State Bar Association in America, being surpassed only by the New York State Bar Association. Our roll of members is the best legal directory published of the lawyers of Illinois. The attorneys throughout the State are beginning to realize the value and representative character of the men who make up the membership of this Association.

I desire to mention especially the work of Charles J. O'Connor, Chairman of the Committee on New Members, and call your attention to the very efficient work that he and the Committee of which he is Chairman have done in the past year in extending the membership of the Association. He has conducted an energetic and persistent campaign, calling the attention of the representative lawyers in every county of this State to their privilege and duty of lending their support to this organization. He has made a special effort to interest lawyers of the smaller cities in the State in the work of this Association. If our members would supplement this work by a little personal work of their own in their respective counties, we believe that the goal of a membership of 2,000, which we set for ourselves, will soon be reached.

The reports of various other State Bar Associations show the unusual activity and good work being done by the Bar Associations of those States. It would unduly lengthen this report to give any extended review of that work. I will content myself with the mention only a few of the lines of activity in other State Associations.

The Maryland State Bar Association met in joint session with the Virginia State Bar Association at Hot Springs, Va., July 26-27-28—a three-day session. The president's address was on "Grotius and the Movement of International Peace." "The Decline of the State," by S. S. Field. J. A. Montague on "How far the U. S. Supreme Court may be taken as a model for an international Court of Arbitral Justice." "Which shall it be, a Government of Law or a Government of Men." by Mr. Justice Lurton. Jury reform, especially in criminal cases, was

advocated. Other papers were on "The Administration of Criminal Law of Maryland," and "The Jury as Judges of Law and Fact."

At the 12th annual meeting of the North Carolina Bar Association, President John W. Hinsdale spoke on "Trial by Jury in Civil Actions," and endeavored to answer two questions he propounded: 1st. Whether jury trials of civil actions should be abolished and if so what is the best substitute. 2nd. How can the system of trial by jury be improved. He declared "judges should be permitted and it should be their duty to aid the jury by the expression of an opinion upon the facts," and that the unanimity rule should be abolished.

The Georgia State Bar Association met at Athens, Georgia, and adopted the American Bar Association's Canons of Professional Ethics in 1909. President T. M. Cunningham, Jr., discussed "Problems of the Hour." The subject for discussion there was, "The system and Remedial Procedure of Georgia." The annual address was made by William M. Ivins of New York on "Judicial Economic Theory and the Duty of the Bar."

George R. Peck of Chicago delivered the chief address before the Texas State Bar Association on the subject of "The Growth of Institutional Government."

At the fifth annual meeting of the Mississippi Bar Association, held at Natchez, "Uniformity of Legislation," "The Unequal Application of our Criminal Laws," "Some Suggestions as to the Propriety of Blending Law and Equity in Mississippi," were topics for discussion. The President's address dealt with "Noteworthy Changes in the Statute Law."

"The Initiative and Referendum" was the subject of an address before the Arkansas State Bar Association. "Uniformity of Legislation," "Extra Territorial Effect of Decree for Divorce on Constructive Service," "Some Rules of the Common Law," and "The Rise of Constitutional Law" were the titles of other papers before this meeting at Pine Bluff.

The Committee on Legislation of the Alabama State Bar Association reported sixteen Acts for presentation to the General Assembly of that State. The annual address was devoted to the trial of Aaron Burr. The President's address considered recent changes in the Statute law of the State. The annual report, like that of many other Associations, contained the Code of Ethics adopted by the Association.

"The Proposed Income Tax Amendment" was the title of the address of Henry Wade Rogers at the meeting of the Missouri State Bar Association last year. "Some Reasons for the Growing Disrespect for Law" and "Some Defects in our Criminal Code and How to Remedy Them" were subjects for discussion at this meeting.



The Ohio State Bar Association in 1909 adopted the Canons of Ethics of the American Bar Association and its Secretary distributed copies of them throughout the State. "Employer's Liability," and "Judicial Administration and Legal Reform" were the subjects for discussion.

The Indiana State Bar Association held its 14th annual meeting at Indianapolis last year. The Secretary distributed the Canons of Professional Ethics of the American Bar Association to the members of the Association. The annual address was given by Frederic J. Stimson of Boston on "The Law of Combined Action or Possession." Much of the time of the meeting was taken up with the discussion of "Employer's Liability," "Crude Legislation," and "Criticism of the Courts and Lawyers."

At the 9th annual meeting of the Kentucky State Bar Association addresses were made on "The Jury System and Jury Panel," "Treatment of Criminals," and "The Causes of Popular Dissatisfaction with the Administration of Justice in Criminal Cases and the Remedies Therefor." Various acts were proposed, among them one "To Amend the Code of Practice in Criminal Cases."

Most of the report of the Connecticut State Bar Association is occupied with the addresses of its President and the reports of its Committees making numerous suggestions for reform.

The South Dakota Bar Association at its recent sessions listened to addresses on "Reforms in State Taxation," "Some Proposed Reforms in Criminal Procedure," the latter by Horace E. Deemer of Iowa; "The Federal Income Tax" was also discussed.

In the good old State of Massachusetts, in the First Annual Report of the State Bar Association we find set out in full an "Act proposed by the Commission, appointed to investigate the causes of delay in the Administration of Justice in civil actions." The discussion of the report of the Committee on Legislation occupied practically all the sessions of the meeting.

"Tendencies of Modern Legislation" was the subject of the President's address at the first annual meeting of the California Bar Association, held at Los Angeles last December, and about one-half of a large volume containing the proceedings of this meeting is filled with bills and proposed amendments to the law. Papers were read on "The Education of a Lawyer," "An Independent Judiciary," "The Distinctive Character of the Ethical Obligations of the American Lawyer," and "The Duty of the Bar in Non-partisan Judicial Elections."

The sixteenth annual meeting of the Pennsylvania State Bar Association met at Cape May, New Jersey, last June. It was a three-day session. "The Laymen and the Law" was the title of an address by

Chief Justice James Pennewell of Delaware. Numerous Acts and Amendments of the law were proposed.

Attorney General George W. Wickersham delivered the annual address before the New York State Bar Association Thursday evening, January 19, 1911, on the subject "Concerning Certain Essentials of Republican Government." The President's address was by Elihu Root on "Reform of Procedure." A paper was read on "How We Can Improve Our Courts." Committees of the Association of New York are devoting a great deal of attention to Code Revision. "Suggestions for Classification and Consolidation and Revision of the Code" occupy a large part of the report.

The members of the Association will find the Register on the desk in the adjoining room, where it is earnestly desired that every member of the Association in attendance register his name and permanent address.

Complimentary tickets to the banquet to-morrow night at the Beardsley Hotel will be issued to all members of the Association whose dues are paid to date and the applicants for membership upon request to Mr. R. Allen Stephens, who has charge of the Register.

In accordance with the by-laws of this Association providing for the nomination of officers by 20 or more members, I beg to report that only one ticket was filed with the Secretary. Ballots have been printed and distributed to the membership. The ballot box will be found at the entrance to this room.

Delegates from County and City Bar Associations are requested to file their credentials with the Secretary. Delegates to this meeting have the right to vote upon all questions before the Association, whether members of the Association or not.

Respectfully submitted,

JOHN F. VOIGT,  
*Secretary.*

## REPORT.

OF JOHN F. VOIGT, TREASURER,  
FROM JUNE 19, 1910, TO JUNE 20, 1911.

## RECEIPTS.

## ADMISSIONS AND ANNUAL DUES.

The members of the Association who were admitted in January, 1896, and prior meetings pay dues by the calendar year, ending December 31st; the members who were admitted at the July meeting, 1896, and subsequent meetings pay by the year ending June 30th.

Balance on hand, June 19, 1910 .....\$3021.87

1910.	Received from	In full to	
June 20	M. J. Dillon.....	June 30, 1910.....	3.00
20	Robert E. Pendarvis....	June 30, 1910.....	6.00
20	R. F. Pettibone.....	June 30, 1911.....	6.00
20	Isidore Lasker.....	June 30, 1910.....	3.00
20	M. F. Gallagher.....	June 30, 1910.....	3.00
20	Albert M. Kales.....	June 30, 1910.....	3.00
20	Jno. B. Fithian.....	June 30, 1911.....	3.00
20	Roy C. Gilbert.....	June 30, 1910.....	3.00
20	H. W. Cook.....	June 30, 1910.....	3.00
20	C. Frederick Whitmore..	June 30, 1911.....	5.00
20	Thomas W. Prindiville..	June 30, 1911.....	5.00
20	Harry G. Hempstead....	June 30, 1911.....	5.00
20	A. W. Lewis.....	June 30, 1911.....	5.00
20	Chas. C. Spencer.....	June 30, 1911.....	5.00
20	Nathan J. Aldrich.....	June 30, 1911.....	5.00
20	Henry Horner.....	June 30, 1911.....	5.00
20	Franklin Hess.....	June 30, 1911.....	5.00
20	Charles A. Karch.....	June 30, 1911.....	5.00
20	Mary E. Miller.....	June 30, 1911.....	5.00
20	John A. Swanson.....	June 30, 1911.....	5.00
20	Michael E. Maher.....	June 30, 1911.....	5.00
20	Frederick Sass.....	June 30, 1911.....	5.00
20	C. Sentz.....	June 30, 1911.....	5.00
20	Maclay Hoyne.....	June 30, 1911.....	5.00
20	James V. O'Donnell....	June 30, 1911.....	5.00
20	Paul Kerz.....	June 30, 1911.....	5.00
21	W. H. Holly.....	June 30, 1911.....	5.00
21	George F. Fisher, Jr....	June 30, 1910.....	3.00
21	R. W. Fisk.....	June 30, 1911.....	3.00
21	Charles J. O'Connor....	June 30, 1910.....	3.00
21	John E. Vannatta.....	June 30, 1910.....	3.00

1910.		Received from	In full to	
June	21	Jas. L. Bynum.....	June 30, 1911.....	5.00
	21	Edward Maher.....	June 30, 1911.....	5.00
	21	Scott O. Cavette.....	June 30, 1911.....	5.00
	22	Jeanette Bates.....	June 30, 1911.....	5.00
	22	Dwight S. Bobb.....	June 30, 1911.....	5.00
	22	Daniel V. Harkin.....	June 30, 1911.....	5.00
	22	Charles L. Mahoney....	June 30, 1911.....	5.00
	22	Geo. H. Kriete.....	June 30, 1911.....	5.00
	22	Edwin F. Bayley.....	June 30, 1911.....	5.00
	22	George Thomas Kelly..	June 30, 1911.....	5.00
	22	Daniel F. Flannery....	June 30, 1911.....	5.00
	22	John C. Williams.....	June 30, 1911.....	5.00
	22	R. W. Clifford.....	June 30, 1911.....	5.00
	22	Alberto N. Gualano....	June 30, 1911.....	5.00
	22	Joseph B. Burt.....	June 30, 1911.....	5.00
	22	Francis J. Wooley.....	June 30, 1910.....	3.00
	22	Fred B. Silsbee.....	June 30, 1910.....	3.00
	23	H. E. Torrance.....	June 30, 1911.....	5.00
	23	Geo. W. Burton.....	June 30, 1911.....	3.00
	23	A. C. Norton.....	June 30, 1911.....	3.00
	23	E. M. Seymore.....	June 30, 1910.....	6.00
	24	Paul McWilliams.....	June 30, 1910.....	6.00
	24	Wm. S. Welch.....	June 30, 1912.....	5.00
	24	H. L. Herr.....	June 30, 1912.....	5.00
	24	Conrad Schul.....	June 30, 1912.....	5.00
	24	S. S. Shirer.....	June 30, 1911.....	5.00
	24	E. H. Dupee.....	June 30, 1912.....	5.00
	24	Thomas J. Sutherland..	Dec. 31, 1910.....	12.00
	24	Frederick Mains.....	June 30, 1910.....	3.00
	24	Geo. A. Barr.....	June 30, 1911.....	3.00
	24	W. K. Trimble.....	June 30, 1911.....	3.00
	24	W. J. Dolson.....	June 30, 1911.....	3.00
	24	G. J. Cowing.....	June 30, 1911.....	3.00
	24	John W. Tweed.....	June 30, 1911.....	3.00
	24	R. W. Martin.....	June 30, 1911.....	3.00
	24	E. D. McCabe.....	June 30, 1911.....	3.00
	24	D. H. Gregg.....	June 30, 1911.....	3.00
	24	H. C. Ward.....	June 30, 1910.....	3.00
	24	Frank P. Miller.....	June 30, 1911.....	3.00
	24	John T. Lillard.....	Dec. 31, 1910.....	3.00
	24	N. R. Jones.....	June 30, 1910.....	3.00
	24	A. H. Jones.....	June 30, 1910.....	3.00
	24	A. R. Urion.....	June 30, 1911.....	3.00

1910.		Received from	In full to	
June	24	R. J. Cooney.....	June 30, 1911.....	3.00
	24	Edwin R. Eldridge.....	June 30, 1912.....	5.00
	24	Wm. R. Bach.....	June 30, 1912.....	5.00
	24	A. M. Hester.....	June 30, 1912.....	5.00
	24	Ode L. Rankin.....	June 30, 1912.....	5.00
	24	Walter Quitman.....	June 30, 1911.....	5.00
	24	John De Grazia.....	June 30, 1912.....	5.00
	24	Clyde P. Johnson.....	June 30, 1912.....	5.00
	24	M. Henry Guerin.....	June 30, 1912.....	5.00
	24	Bruce A. Campbell.....	June 30, 1912.....	5.00
	24	James S. McClellan.....	June 30, 1912.....	5.00
	24	F. B. Johnstone.....	June 30, 1912.....	5.00
	24	John O'Connor.....	June 30, 1912.....	5.00
	24	Daniel S. Wentworth....	June 30, 1912.....	5.00
	24	George O. Fairweather..	June 30, 1912.....	5.00
	24	Charles Everett Smith..	June 30, 1912.....	5.00
	24	Edward W. Rawlins.....	June 30, 1912.....	5.00
	24	Howard P. Castle.....	June 30, 1912.....	5.00
	24	Henry P. Chandler.....	June 30, 1912.....	5.00
	24	Robert J. Kerr.....	June 30, 1912.....	5.00
	24	George C. Mastin.....	June 30, 1912.....	5.00
	24	H. P. Pearsons.....	June 30, 1912.....	5.00
	24	Charles A. McDonald....	June 30, 1912.....	5.00
	24	C. H. Pendleton.....	June 30, 1912.....	5.00
	24	Frederick S. McCory....	June 30, 1912.....	5.00
	24	Edwin H. Abbot.....	June 30, 1912.....	5.00
	24	George N. B. Lowes....	June 30, 1912.....	5.00
	24	R. A. Willson.....	June 30, 1912.....	5.00
	24	Jno. R. Cochran.....	June 30, 1912.....	5.00
	24	Jno. M. O'Connor.....	June 30, 1912.....	5.00
	24	Jno. R. Williams.....	June 30, 1912.....	5.00
	24	Charles F. Lowy.....	June 30, 1912.....	5.00
	24	Alfred Barstow.....	June 30, 1912.....	5.00
	24	Charles O. Loucks.....	June 30, 1912.....	5.00
	24	Charles S. Knudson.....	June 30, 1912.....	5.00
	24	Sidney Stein.....	June 30, 1912.....	5.00
	24	Thos. E. Dempcy.....	June 30, 1912.....	5.00
	24	Edward A. Bern.....	June 30, 1912.....	5.00
	24	Robert Candee.....	June 30, 1912.....	5.00
	24	A. G. Anderson.....	June 30, 1912.....	5.00
	24	L. Bernreuter.....	June 30, 1912.....	5.00
	24	Jno. P. Barnes.....	June 30, 1912.....	5.00
	24	Herbert J. Friedman....	June 30, 1912.....	5.00

1910.	Received from	In full to	
June 24	Peter Ewerts.....	June 30, 1912.....	5.00
24	Chas. G. Rose.....	June 30, 1912.....	5.00
24	A. C. Bardwell.....	June 30, 1912.....	5.00
24	D. J. Carnes.....	June 30, 1912.....	5.00
24	Mazzini Slusser.....	June 30, 1912.....	5.00
24	Frank F. Mies.....	June 30, 1912.....	5.00
24	Monroe Fulkerson.....	June 30, 1910.....	3.00
24	James E. Brown.....	June 30, 1910.....	15.00
24	Hugh W. Housum.....	June 30, 1911.....	3.00
24	David L. Zook.....	June 30, 1910.....	9.00
24	Norman P. Willard.....	Dec. 31, 1910.....	6.00
24	Nathan Wm. McChesney.....	June 30, 1911.....	3.00
24	A. R. Gates.....	June 30, 1910.....	12.00
24	John M. McNabb.....	June 30, 1911.....	3.00
24	Alvin H. Culver.....	June 30, 1910.....	3.00
24	A. L. Anderson.....	June 30, 1910.....	3.00
24	A. W. Brickwood.....	June 30, 1910.....	3.00
24	Marvin E. Barnhart.....	June 30, 1910.....	5.00
25	W. H. Hart.....	June 30, 1911.....	5.00
25	Oscar W. Brecker.....	June 30, 1911.....	5.00
25	A. H. Baer.....	June 30, 1911.....	5.00
25	Edward H. Decker.....	June 30, 1911.....	5.00
25	Jno. C. Eagleton.....	June 30, 1911.....	5.00
25	G. W. Cunningham.....	June 30, 1911.....	5.00
25	Sidney S. Gorham.....	June 30, 1911.....	5.00
25	Louis E. Hart.....	June 30, 1911.....	5.00
25	Wm. G. Hale.....	June 30, 1911.....	5.00
25	Jno. Lynch.....	June 30, 1911.....	5.00
25	Dan McGlynn.....	June 30, 1911.....	5.00
25	Chas. O. Rundall.....	June 30, 1911.....	5.00
25	Blake C. Smith.....	June 30, 1911.....	5.00
25	Walter W. Williams.....	June 30, 1911.....	5.00
25	Andrew L. Winters.....	June 30, 1911.....	5.00
25	O. E. Heard.....	June 30, 1911.....	5.00
25	H. H. Reed.....	June 30, 1911.....	5.00
25	Blackburn Esterline.....	June 30, 1911.....	5.00
25	Walter H. Jacobs.....	June 30, 1911.....	5.00
25	A. B. Wright.....	June 30, 1911.....	5.00
25	Jno. W. Blee.....	June 30, 1911.....	5.00
25	Jno. C. Scovel.....	June 30, 1911.....	5.00
25	James J. Barbour.....	June 30, 1911.....	3.00
25	Harry E. Smoot.....	June 30, 1911.....	5.00
25	James H. Wilkerson.....	June 30, 1910.....	3.00

1911.		Received from	In full to	
June	25	Lloyd G. Kirkland.....	June 30, 1910.....	6.00
	25	Ferdinand Goss.....	June 30, 1910.....	3.00
	25	R. A. Burton.....	June 30, 1911.....	3.00
		Oberg .....	June 30, 1911.....	5.00
Aug.	6	Willis F. Graham.....	June 30, 1910.....	3.00
	6	Otto C. Butz.....	June 30, 1911.....	5.00
	6	Phillip J. McKenna.....	June 30, 1911.....	5.00
	6	Wm. H. Sexton.....	June 30, 1911.....	5.00
	6	Wm. Fenimore Cooper..	June 30, 1912.....	33.00
	30	Samuel B. King.....	June 30, 1910.....	3.00
	30	Benjamin Olin.....	June 30, 1910.....	6.00
	30	Albert J. Keefe.....	June 30, 1910.....	3.00
	30	Bernard S. Cooper.....	June 30, 1911.....	3.00
Sept.	19	Edward J. Smejkal....	June 30, 1910.....	3.00
	19	Bernard L. Lee.....	June 30, 1910.....	3.00
	24	William J. Gorham....	June 30, 1911.....	3.00
Oct.	25	Benjamin J. Samuels..	June 30, 1911.....	3.00
Nov.	5	M. F. Girten.....	June 30, 1911.....	5.00
Feb.	11	Ira J. Geer.....	June 30, 1909.....	11.00
	11	Samuel P. Irwin.....	June 30, 1911.....	5.00
	11	R. H. Radley.....	June 30, 1911.....	5.00
	11	John C. Farwell.....	June 30, 1910.....	3.00
	11	Jesse A. Baldwin.....	Dec. 31, 1911.....	3.00
	11	T. M. Harris.....	June 30, 1911.....	3.00
	11	Carlos J. Ward.....	June 30, 1910.....	3.00
	17	William D. Fullerton..	June 30, 1911.....	3.00
	17	E. M. Winston.....	June 30, 1911.....	16.00
	17	C. E. Woodward.....	June 30, 1912.....	5.00
	17	Wm. S. Dewey.....	June 30, 1912.....	5.00
	17	Joel C. Fitch.....	June 30, 1912.....	5.00
	17	G. E. Nelson.....	June 30, 1912.....	5.00
	17	Follett W. Bull.....	June 30, 1910.....	20.00
	17	N. L. Ryder.....	June 30, 1912.....	5.00
	17	William Prentiss.....	Dec. 31, 1910.....	12.00
	17	R. C. Harrah.....	June 30, 1912.....	5.00
	17	Clair D. Vallette.....	June 30, 1912.....	5.00
	17	Wm. G. Burroughs....	June 30, 1912.....	5.00
	17	Harvey H. Atherton....	June 30, 1912.....	6.00
Apr.	7	George B. Rhoads.....	June 30, 1911.....	3.00
	7	S. S. Anderson.....	June 30, 1911.....	3.00
	7	Samuel L. Dwight.....	Dec. 31, 1911.....	3.00
	7	Hugh Crea.....	Dec. 31, 1911.....	3.00

<i>1911.</i>	<i>Received from</i>	<i>In full to</i>	
Apr. 7	J. McCan Davis.....	June 30, 1911.....	3.00
7	Frank H. Scott.....	Dec. 31, 1911.....	3.00
7	Paul P. Harris.....	June 30, 1911.....	3.00
7	Charles M. Foell.....	June 30, 1911.....	3.00
7	R. M. Benjamin.....	June 30, 1911.....	3.00
7	Lewis W. Parker.....	June 30, 1911.....	3.00
7	R. L. Russell.....	June 30, 1911.....	9.00
7	Andrew J. Ryan.....	June 30, 1911.....	3.00
7	Carey W. Rhodes.....	June 30, 1911.....	3.00
7	Levy M. Kagy.....	June 30, 1911.....	3.00
7	John J. Brown.....	Dec. 31, 1911.....	3.00
7	T. M. Webb.....	June 30, 1911.....	3.00
7	L. O. Whitnel.....	June 30, 1911.....	3.00
7	M. W. Borders.....	June 30, 1911.....	3.00
7	Ralph Dempsey.....	June 30, 1911.....	3.00
7	Bowen W. Schumacher..	June 30, 1911.....	3.00
7	William T. Vandever..	Dec. 31, 1911.....	3.00
7	G. F. Rearick.....	June 30, 1911.....	3.00
7	R. W. Stewert.....	June 30, 1911.....	3.00
7	G. V. Weart.....	June 30, 1911.....	3.00
7	Alfred S. Austrian.....	June 30, 1911.....	3.00
7	Harry G. Colson.....	June 30, 1911.....	3.00
7	H. L. Stern.....	June 30, 1911.....	3.00
7	Charles C. McMahon...	June 30, 1911.....	3.00
7	C. H. Donnelly.....	June 30, 1911.....	3.00
7	J. E. Taylor.....	June 30, 1911.....	3.00
7	Edward F. Irwin.....	June 30, 1911.....	3.00
7	Sidney S. Breeze.....	June 30, 1911.....	8.00
7	J. J. Reeve.....	June 30, 1911.....	3.00
7	Carl Meyer.....	Dec. 31, 1911.....	3.00
7	Kemper K. Knapp.....	June 30, 1911.....	3.00
7	J. W. Creekmur.....	June 30, 1911.....	3.00
7	Frederic S. Hebard....	Dec. 31, 1911.....	3.00
7	Henry S. Towle.....	Dec. 31, 1911.....	3.00
7	C. K. Offield.....	Dec. 31, 1911.....	3.00
7	Justus Chancellor.....	Dec. 31, 1911.....	3.00
7	Charles S. Thornton....	Dec. 31, 1911.....	3.00
7	F. G. Moulton.....	June 30, 1911.....	3.00
7	Josiah Cratty.....	June 30, 1911.....	3.00
7	James M. Sheehan.....	June 30, 1911.....	3.00
7	Nathan S. Smyser.....	June 30, 1911.....	3.00
7	Charles Troup.....	June 30, 1911.....	3.00
7	J. H. Hungate.....	June 30, 1911.....	3.00



1911.		Received from	In full to	
Apr.	7	Fred B. Penwell.....	June 30, 1911.....	3.00
	7	Walter C. Lindley.....	June 30, 1911.....	3.00
	7	Frank Lindley.....	June 30, 1911.....	3.00
	7	Geo. D. Tunicliff.....	June 30, 1911.....	3.00
	7	Frank R. Cain.....	June 30, 1911.....	3.00
	7	D. W. Graves.....	June 30, 1911.....	3.00
	7	Walter K. Lincoln.....	June 30, 1911.....	3.00
	7	F. H. Wickett.....	June 30, 1911.....	3.00
	7	George P. Barton.....	Dec. 31, 1911.....	3.00
	7	Merritt Starr.....	Dec. 31, 1911.....	3.00
	7	Henry R. Baldwin.....	June 30, 1911.....	3.00
	7	James B. Gascoigne....	June 30, 1912.....	6.00
	7	Elijah C. Wood.....	June 30, 1911.....	3.00
	7	Clarence A. Knight.....	June 30, 1911.....	3.00
	7	Sidney C. Eastman.....	Dec. 31, 1911.....	3.00
	7	Charles F. Loesch.....	June 30, 1911.....	3.00
	7	George E. Brannon....	June 30, 1911.....	6.00
	7	Bryan Y. Craig.....	June 30, 1911.....	3.00
	7	C. D. Clark.....	June 30, 1911.....	3.00
	7	C. G. Carnahan.....	June 30, 1911.....	3.00
	7	George C. Fry.....	June 30, 1911.....	3.00
	7	Franklin L. Velde.....	June 30, 1911.....	3.00
	7	Arthur J. Eddy.....	June 30, 1911.....	3.00
	7	Jesse Black, Jr.....	June 30, 1911.....	3.00
	7	W. B. Cooney.....	June 30, 1911.....	3.00
	7	John J. Healey.....	June 30, 1911.....	3.00
	7	Charles L. Burton.....	June 30, 1911.....	3.00
	7	John M. Herbert.....	Dec. 31, 1911.....	3.00
	7	Albert Watson.....	June 30, 1911.....	3.00
	7	William G. Beale.....	June 30, 1911.....	3.00
	7	Stillman B. Jamieson..	June 30, 1911.....	3.00
	7	C. S. O'Meara.....	June 30, 1911.....	3.00
	7	Thomas G. Deering....	June 30, 1911.....	3.00
	7	Benson Landon.....	June 30, 1911.....	3.00
	7	Frank L. Kriete.....	June 30, 1911.....	3.00
	7	W. J. Calhoun.....	Dec. 31, 1911.....	3.00
	7	R. Wilson Moore.....	June 30, 1911.....	3.00
	7	J. R. Custer.....	June 30, 1911.....	3.00
	7	C. H. Poppenhusen....	June 30, 1911.....	3.00
	7	Phillip Stein.....	June 30, 1911.....	3.00
	7	Joseph B. Leake.....	June 30, 1911.....	3.00
	7	Edward R. Hills.....	June 30, 1911.....	3.00
	7	W. R. Hunter.....	June 30, 1911.....	3.00

1911.	Received from	In full to	
Apr. 7	Charles Alling, Jr.....	June 30, 1911.....	3.00
7	A. L. Granger.....	June 30, 1911.....	3.00
7	Alexander Sullivan.....	June 30, 1911.....	3.00
7	Andrew B. Boughan.....	June 30, 1911.....	3.00
7	D. B. Cheever.....	June 30, 1911.....	3.00
7	J. E. Waters.....	June 30, 1911.....	3.00
7	Menz I. Rosenbaum.....	June 30, 1911.....	3.00
7	J. C. McMath.....	June 30, 1911.....	3.00
7	H. C. Levinson.....	June 30, 1911.....	3.00
7	H. B. Riley.....	June 30, 1911.....	3.00
7	Theo. Chapman.....	June 30, 1911.....	3.00
7	John E. W. Wayman.....	June 30, 1911.....	3.00
7	C. E. Cleveland.....	June 30, 1911.....	3.00
7	P. B. Eckhart.....	June 30, 1911.....	3.00
7	Andrew Hummeland.....	June 30, 1911.....	3.00
7	Frank L. Shepard.....	June 30, 1911.....	3.00
7	Edmund W. Burke.....	June 30, 1911.....	3.00
7	M. Whitney.....	June 30, 1911.....	3.00
7	S. A. Foley.....	Dec. 31, 1911.....	3.00
7	C. L. Conder.....	June 30, 1911.....	3.00
A.	B. Jenks.....	June 30, 1911.....	3.00
7	Joseph B. David.....	June 30, 1911.....	3.00
7	R. R. Fowler.....	June 30, 1911.....	3.00
7	Wm. C. McHenry.....	June 30, 1911.....	3.00
7	James Maher.....	June 30, 1911.....	3.00
7	Blewett Lee.....	June 30, 1911.....	3.00
7	Benjamin V. Becker.....	June 30, 1911.....	3.00
7	Max Pam.....	June 30, 1911.....	3.00
7	C. C. Case, Jr.....	June 30, 1911.....	15.00
7	Wm. E. Church.....	June 30, 1911.....	3.00
7	Robert McMurdy.....	Dec. 31, 1911.....	3.00
7	Arthur B. Schaffner.....	June 30, 1911.....	3.00
7	Charles C. Arnold.....	June 30, 1911.....	3.00
7	A. D. Early.....	Dec. 31, 1911.....	3.00
7	Joseph H. Muhlke.....	June 30, 1911.....	3.00
7	Pliny B. Smith.....	June 30, 1911.....	3.00
7	E. Allen Frost.....	June 30, 1911.....	3.00
7	Phillip S. Post.....	June 30, 1911.....	3.00
7	Henry W. Leman.....	Dec. 31, 1911.....	3.00
7	A. D. Eddy.....	June 30, 1911.....	3.00
7	Geo. T. Buckingham.....	June 30, 1911.....	3.00
7	T. J. Scofield.....	June 30, 1911.....	3.00
7	Charles F. Harding.....	June 30, 1911.....	3.00

1911.		Received from	In full to		
Apr.	7	Horatio L. Walt.....	Dec. 31,	1911.....	3.00
	7	Earl C. Hales.....	June 30,	1911.....	3.00
	7	Joseph W. Moses.....	June 30,	1911.....	3.00
	7	Donald S. Trumbull.....	June 30,	1911.....	3.00
	7	Martin H. Foss.....	June 30,	1911.....	3.00
	7	Andrew R. Sheriff.....	June 30,	1911.....	3.00
	7	Geo. E. Dawson.....	Dec. 31,	1911.....	3.00
	7	Edward O. Brown.....	Dec. 31,	1911.....	3.00
	7	C. N. Hollerich.....	June 30,	1911.....	3.00
	7	Jacob Diamond.....	June 30,	1911.....	3.00
	7	Roswell B. Mason.....	June 30,	1911.....	3.00
	7	Henry C. Morris.....	June 30,	1911.....	3.00
	7	Ernst Freund.....	June 30,	1911.....	3.00
	7	William S. Forrest.....	June 30,	1911.....	3.00
	7	Thomas J. Healy.....	June 30,	1911.....	3.00
	7	Geo. M. Stevens.....	Dec. 31,	1911.....	3.00
	7	F. H. Gansbergen.....	June 30,	1911.....	15.00
	7	Robert H. Lovett.....	June 30,	1910.....	3.00
	7	James W. Patton.....	Dec. 31,	1911.....	3.00
	7	Clinton L. Conkling.....	June 30,	1911.....	3.00
	7	Jay D. Miller.....	June 30,	1911.....	3.00
	7	Thomas S. McClelland.....	Dec. 31,	1911.....	3.00
	7	Silas H. Strawn.....	June 30,	1911.....	3.00
	7	Geo. E. Adams.....	June 30,	1911.....	3.00
	7	Joseph Weissbach.....	June 30,	1911.....	3.00
	7	R. T. Rogers.....	June 30,	1911.....	3.00
	7	Frank H. Boggs.....	June 30,	1911.....	3.00
	7	Henry I. Green.....	June 30,	1911.....	3.00
	7	Edward C. Kramer.....	June 30,	1911.....	3.00
	7	Geo. P. Hills.....	June 30,	1911.....	3.00
	7	Geo. A. Lawrence.....	June 30,	1911.....	3.00
	7	Orville F. Berry.....	Dec. 31,	1911.....	3.00
	7	Frank T. O'Hair.....	June 30,	1911.....	3.00
	7	Frank Perrin.....	June 30,	1911.....	3.00
	7	W. H. Mills.....	June 30,	1911.....	3.00
	7	E. W. Hurst.....	June 30,	1911.....	3.00
	8	W. S. Cone.....	June 30,	1911.....	3.00
	8	C. A. Trimble.....	June 30,	1911.....	3.00
	8	Frank F. Reed.....	Dec. 31,	1911.....	3.00
	8	James M. Graham.....	Dec. 31,	1911.....	3.00
	8	Daniel Hogan, Jr.....	June 30,	1911.....	3.00
	8	C. L. Caswell.....	June 30,	1911.....	3.00
	8	Thomas M. Jett.....	June 30,	1911.....	3.00

1911.		Received from	In full to	
Apr.	8	E. D. Blinn.....	Dec. 31, 1911.....	6.00
	8	Charles S. Deneen.....	June 30, 1911.....	3.00
	8	James F. Meagher.....	June 30, 1911.....	3.00
	8	Abraham Meyer.....	June 30, 1911.....	3.00
	8	Thomas Worthington.....	June 30, 1911.....	3.00
	8	M. W. Schaefer.....	June 30, 1911.....	3.00
	8	H. A. Ritter.....	June 30, 1911.....	3.00
	8	Geo. P. Merrick.....	June 30, 1911.....	3.00
	8	D. M. Kinsall.....	June 30, 1911.....	3.00
	8	J. D. Welsh.....	June 30, 1911.....	3.00
	8	R. M. Barnes.....	June 30, 1911.....	3.00
	8	Wm. C. Boyden.....	June 30, 1911.....	3.00
	8	Mary M. Bartelme.....	June 30, 1911.....	3.00
	8	Robert J. Slater.....	June 30, 1911.....	3.00
	8	Wallace Heckman.....	Dec. 31, 1911.....	3.00
	8	John E. MacLeish.....	June 30, 1911.....	3.00
	8	Albert N. Eastman.....	June 30, 1911.....	3.00
	8	W. P. Sidley.....	June 30, 1911.....	3.00
	8	Roy O. West.....	Dec. 31, 1911.....	3.00
	8	Samuel E. Knecht.....	June 30, 1911.....	3.00
	8	Frederick Green.....	June 30, 1911.....	3.00
	8	Lysander Hill.....	Dec. 31, 1911.....	3.00
	8	Clarence W. Hughes.....	June 30, 1911.....	3.00
	8	Monroe L. Willard.....	June 30, 1911.....	3.00
	8	Angelo S. Cella.....	June 30, 1911.....	3.00
	8	John T. Elliff.....	June 30, 1911.....	3.00
	8	M. E. Lambert.....	June 30, 1911.....	3.00
	8	Thomas J. Sheean.....	June 30, 1911.....	3.00
	8	C. W. Flack.....	June 30, 1911.....	3.00
	8	Thomas J. Graydon.....	June 30, 1911.....	3.00
	8	Ernest R. Fifer.....	June 30, 1911.....	3.00
	8	Elmer E. Beach.....	June 30, 1911.....	3.00
	8	Raymond W. Beach.....	June 30, 1911.....	3.00
	8	W. S. Holmes.....	June 30, 1911.....	3.00
	8	H. A. Converse.....	June 30, 1911.....	3.00
	8	Marion Watson.....	June 30, 1911.....	3.00
	8	W. R. Curran.....	June 30, 1911.....	3.00
	8	Thomas D. Marston.....	June 30, 1911.....	3.00
	8	David B. Gann.....	June 30, 1911.....	3.00
	8	H. C. Frings.....	June 30, 1911.....	3.00
	8	D. H. Pingrey.....	Dec. 31, 1911.....	3.00
	8	A. P. Miller.....	June 30, 1911.....	3.00
	8	H. R. Nortrup.....	Dec. 31, 1911.....	3.00

1911.		Received from	In full to		
Apr.	8	R. M. Ashcraft.....	June 30,	1911.....	3.00
	8	Thaddeus O. Bunch....	June 30,	1911.....	3.00
	8	Richard Yates.....	Dec. 31,	1911.....	3.00
	8	Paul MacGuffin.....	June 30,	1911.....	3.00
	8	Edwin W. Sims.....	June 30,	1911.....	3.00
		Samuel Alschuler.....	June 30,	1911.....	3.00
	8	W. A. Northcott.....	Dec. 31,	1911.....	3.00
	8	George Brown.....	June 30,	1911.....	3.00
	8	C. Reardon.....	June 30,	1911.....	3.00
	8	H. R. Platt.....	June 30,	1911.....	3.00
	8	J. A. Mecks.....	June 30,	1911.....	3.00
	8	Joseph F. Triska.....	June 30,	1911.....	3.00
	8	Logan Hay.....	June 30,	1911.....	3.00
	8	Ellen G. Roberts.....	June 30,	1911.....	3.00
	8	John Stelk.....	June 30,	1911.....	3.00
	8	H. S. Mecartney.....	June 30,	1911.....	3.00
	8	Wm. Duff Haynie.....	June 30,	1911.....	3.00
	8	Catherine McCullough..	Dec. 31,	1911.....	3.00
	8	Frank H. McCullough..	Dec. 31,	1911.....	3.00
	8	C. A. McMillen.....	June 30,	1911.....	3.00
	8	P. J. Kolb.....	June 30,	1911.....	3.00
	8	H. S. Earley.....	June 30,	1912.....	5.00
	8	Charles E. Bartley....	June 30,	1911.....	3.00
	10	James C. McShane....	June 30,	1911.....	3.00
	10	Edmond McMahon.....	June 30,	1911.....	3.00
	10	Warren Pease.....	June 30,	1911.....	3.00
	10	Jacob H. Hopkins.....	June 30,	1911.....	3.00
	10	George Kerston.....	June 30,	1911.....	3.00
	10	John Vennema.....	June 30,	1911.....	3.00
	10	Robert J. Folonle.....	June 30,	1911.....	3.00
	10	H. B. Prentice.....	Dec. 31,	1911.....	3.00
	10	Wm. Elliot Furness....	June 30,	1911.....	3.00
	10	Chas S. Harris.....	June 30,	1911.....	6.00
	10	Wirt E. Humphrey....	June 30,	1911.....	3.00
	10	John G. Drennen.....	Dec. 31,	1911.....	3.00
	10	George A. Dupuy.....	June 30,	1911.....	3.00
	10	George H. Peaks.....	June 30,	1911.....	3.00
	10	Brode B. Davis.....	June 30,	1911.....	3.00
	10	Maurice Berkson.....	June 30,	1911.....	3.00
	10	Hugo Sonnenschein....	June 30,	1911.....	3.00
	10	Edward Sonneschein....	June 30,	1911.....	3.00
	10	Henry M. Hagan.....	June 30,	1911.....	3.00
	10	Wm. C. DeWolf.....	June 30,	1911.....	3.00

1911.		Received from	In full to		
Apr.	10	F. W. Pringle.....	June 30,	1911.....	3.00
	10	Thomas M. Hoyne.....	June 30,	1911.....	3.00
	10	Geo. D. Burroughs.....	June 30,	1911.....	3.00
	10	Isaac Milkewitch.....	June 30,	1911.....	3.00
	10	James S. Cummins.....	June 30,	1911.....	3.00
	10	R. L. Foots.....	June 30,	1911.....	3.00
	10	Julius Smietanka.....	June 30,	1911.....	3.00
	10	John J. Herrick.....	Dec. 31,	1911.....	3.00
	10	Wm. A. Doyle.....	June 30,	1911.....	3.00
	10	Will B. Moak.....	June 30,	1911.....	3.00
	10	Frederic P. Vose.....	June 30,	1911.....	3.00
	10	F. H. Trude.....	June 30,	1911.....	3.00
	10	David R. Joslyn.....	June 30,	1911.....	3.00
	10	R. W. Parkinson.....	June 30,	1911.....	3.00
	10	W. S. Loudon.....	June 30,	1911.....	3.00
	10	Henry M. Wolf.....	June 30,	1911.....	3.00
	10	Bertram J. Cahn.....	June 30,	1911.....	3.00
	10	Arthur W. Underwood..	June 30,	1911.....	3.00
	10	Henry W. Price.....	June 30,	1911.....	3.00
	10	Keene H. Addington....	June 30,	1911.....	3.00
	10	W. M. Acton.....	June 30,	1911.....	3.00
	10	E. C. Gridley.....	June 30,	1912.....	5.00
	11	W. H. Boys.....	June 30,	1911.....	3.00
	11	Thomas A. Banning....	Dec. 31,	1911.....	3.00
	11	Dorrance Dibell.....	Dec. 31,	1911.....	3.00
	11	W. M. Warnock.....	June 30,	1911.....	3.00
	11	Bryan H. Tivnen.....	June 30,	1911.....	3.00
	11	David Sheean.....	June 30,	1911.....	3.00
	11	E. H. Gary.....	Dec. 31,	1911.....	3.00
	11	E. Parmelee Prentice...	June 30,	1911.....	3.00
	11	Frank F. Noleman.....	June 30,	1911.....	3.00
	11	Guý R. Williams.....	June 30,	1911.....	3.00
	11	C. LeRoy Brown.....	June 30,	1911.....	3.00
	11	Chester M. Dawes.....	June 30,	1911.....	3.00
	11	James J. Kelly.....	June 30,	1911.....	3.00
	11	William J. Pringle.....	June 30,	1911.....	3.00
	11	E. H. Barron.....	June 30,	1911.....	3.00
	11	Jesse E Roberts.....	June 30,	1911.....	3.00
	11	Thomas A. Leach.....	June 30,	1911.....	3.00
	11	John W. Hill.....	June 30,	1911.....	3.00
	11	Mancha Bruggemeyer...	June 30,	1911.....	3.00
	11	Fred B. Silber.....	June 30,	1911.....	3.00
	11	William C. Niblack.....	June 30,	1911.....	3.00

1911.	Received from	In full to	
Apr. 11	Edward S. Rogers.....	June 30, 1911.....	3.00
11	Isaac H. Mayer.....	June 30, 1911.....	3.00
11	R. D. Stephens.....	June 30, 1911.....	3.00
11	F. J. Loesch.....	Dec. 31, 1911.....	3.00
11	David Jetzinger.....	June 30, 1911.....	3.00
11	Eugene H. Garnett.....	June 30, 1911.....	3.00
11	W. H. Stead.....	June 30, 1911.....	3.00
11	James W. Gullett.....	June 30, 1911.....	3.00
11	L. R. Herrick.....	June 30, 1911.....	3.00
11	M. D. Conaghan.....	June 30, 1911.....	3.00
11	Harry M. Waggoner....	June 30, 1911.....	3.00
11	Phillip E. Elting.....	June 30, 1911.....	3.00
11	William Blester.....	June 30, 1912.....	5.00
11	James W. Hyde.....	June 30, 1911.....	3.00
11	W. Clyde Jones.....	June 30, 1911.....	3.00
11	John Gibbons.....	Dec. 31, 1911.....	3.00
11	Isaac Miller Hamilton..	Dec. 31, 1911.....	3.00
11	Donald R. Richberg....	June 30, 1911.....	3.00
11	John C. Richberg.....	Dec. 31, 1911.....	3.00
12	George M. Eckels.....	June 30, 1911.....	3.00
12	Frank O. Lowden.....	June 30, 1911.....	3.00
12	Geo. Eddy Newcomb....	June 30, 1911.....	3.00
12	John E. Wall.....	June 30, 1911.....	3.00
12	John M. Neihaus.....	Dec. 31, 1911.....	6.00
12	Worth E. Caylor.....	June 30, 1911.....	3.00
12	J. O. Jones.....	June 30, 1911.....	3.00
12	Clarence Griggs.....	Dec. 31, 1911.....	3.00
12	Henry Bartholomay....	June 30, 1911.....	3.00
12	Ward B. Sawyer.....	June 30, 1911.....	3.00
12	A. W. O'Hara.....	June 30, 1911.....	3.00
12	Arthur D. Wheeler.....	June 30, 1911.....	3.00
12	John A. Rose.....	June 30, 1911.....	3.00
12	E. C. Ferguson.....	Dec. 31, 1911.....	3.00
12	John Barton Payne....	Dec. 31, 1911.....	3.00
12	W. T. Alden.....	June 30, 1911.....	3.00
12	A. W. Martin.....	June 30, 1911.....	3.00
12	Clarence A. Burley....	Dec. 31, 1911.....	3.00
12	George W. Miller.....	June 30, 1911.....	3.00
12	James R. Mann.....	June 30, 1911.....	3.00
12	Levy Mayer.....	June 30, 1911.....	3.00
12	I. N. Bassett.....	Dec. 31, 1911.....	3.00
12	Elwood G. Goodman....	June 30, 1911.....	3.00
12	E. M. Winston.....	June 30, 1911.....	3.00

1911.		Received from	In full to	
Apr.	13	Wm. B. Wright.....	June 30, 1911.....	3.00
	13	Allen G. Mills.....	June 30, 1911.....	3.00
	13	Frederick A. Rowe.....	June 30, 1911.....	3.00
	13	Robert J. Frank.....	June 30, 1911.....	3.00
	13	Wells M. Cook.....	June 30, 1911.....	3.00
	13	John C. Farwell.....	June 30, 1911.....	3.00
	13	E. C. Swift.....	June 30, 1911.....	3.00
	13	Joseph Sabbath.....	June 30, 1911.....	3.00
	13	H. Rubens.....	June 30, 1911.....	6.00
	13	Ben N. Breeding.....	June 30, 1912.....	5.00
	13	John F. Voigt.....	June 30, 1911.....	3.00
	13	Robert Mather.....	June 30, 1911.....	3.00
	14	George S. Wiley.....	June 30, 1911.....	3.00
	14	Herman H. Danforth...	June 30, 1911.....	3.00
	14	Albert N. Charles.....	June 30, 1911.....	3.00
	14	Herbert W. Holcomb...	June 30, 1911.....	3.00
	14	C. N. Dolson.....	June 30, 1911.....	3.00
	14	Henry T. Rainey.....	June 30, 1911.....	3.00
	14	Sigmund Zelsler.....	Dec. 31, 1911.....	3.00
	14	Geo. W. Wall.....	Dec. 31, 1911.....	3.00
	14	George H. Taylor.....	June 30, 1911.....	3.00
	14	Edward O'Bryan.....	June 30, 1911.....	3.00
	14	E. M. Ashcraft.....	Dec. 31, 1911.....	3.00
	14	M. M. Gridley.....	Dec. 31, 1911.....	3.00
	14	Thos. W. Swan.....	June 30, 1911.....	3.00
	14	Wm. M. Schuwerk.....	June 30, 1912.....	5.00
	14	Jacob Newman.....	June 30, 1911.....	3.00
	14	E. D. Kenna.....	June 30, 1911.....	3.00
	14	Robert H. McCormick..	June 30, 1911.....	3.00
	14	James Rosenthal.....	June 30, 1911.....	3.00
	14	Edward N. D'Ancona...	June 30, 1911.....	3.00
	15	C. E. Kremer.....	June 30, 1911.....	3.00
	15	Carl R. Latham.....	June 30, 1911.....	3.00
	15	Jno. R. Coulter.....	June 30, 1911.....	3.00
	15	J. M. Zane.....	June 30, 1911.....	3.00
	15	John L. Shortall.....	June 30, 1911.....	3.00
	15	Isaac B. Lipson.....	June 30, 1911.....	3.00
	15	John R. Caverly.....	June 30, 1911.....	3.00
	15	Fred H. Hand.....	June 30, 1911.....	3.00
	15	L. H. Burrell.....	June 30, 1911.....	3.00
	15	John B. Brown.....	June 30, 1911.....	3.00
	15	Geo. H. Wilson.....	June 30, 1911.....	3.00
	17	Paul Brown.....	June 30, 1911.....	3.00



	1911.	Received from	In full to	
Apr.	17	Charles H. Hamill.....	June 30, 1911.....	3.00
	17	Augustus S. Peabody....	June 30, 1911.....	3.00
	17	George W. Dixon.....	June 30, 1911.....	3.00
	17	B. F. Langworthy.....	June 30, 1911.....	3.00
	17	William B. Hale.....	June 30, 1911.....	3.00
	17	Adolph Kurz.....	June 30, 1911.....	3.00
	17	L. M. Bradley.....	Dec. 31, 1911.....	3.00
	17	John P. Floan.....	June 30, 1911.....	3.00
	17	Eugene R. Cox.....	June 30, 1911.....	3.00
	17	Elbridge Hanecy.....	Dec. 31, 1911.....	3.00
	17	F. J. Tecklenburg.....	June 30, 1911.....	3.00
	17	F. L. Salisbury.....	June 30, 1911.....	3.00
	18	Otto R. Barnett.....	June 30, 1911.....	3.00
	18	Phillip L. Miller.....	June 30, 1911.....	3.00
	18	Wm. Warren Dixon....	June 30, 1911.....	3.00
	18	William A. Purcell....	Dec. 31, 1911.....	3.00
	18	Marcus Hitch.....	June 30, 1911.....	3.00
	18	Major McGregor.....	June 30, 1911.....	3.00
	18	Isaac Phillips.....	Dec. 31, 1911.....	3.00
	18	Norman L. Jones.....	June 30, 1912.....	5.00
	18	Fred B. Hamill.....	June 30, 1912.....	5.00
	18	W. P. Early.....	June 30, 1911.....	3.00
	18	C. J. Ahern.....	June 30, 1912.....	5.00
	18	Clifford W. Warner....	June 30, 1911.....	3.00
	19	Thomas G. Vent.....	June 30, 1911.....	3.00
	19	Edward T. Lee.....	June 30, 1911.....	3.00
	19	C. B. Chapman.....	June 30, 1911.....	3.00
	19	Thomas D. Huff.....	June 30, 1911.....	3.00
	19	Chauncey W. Martyn...	June 30, 1911.....	3.00
	19	Joseph V. Crane.....	June 30, 1911.....	3.00
	19	M. Lester Coffeen.....	Dec. 31, 1911.....	3.00
	19	F. G. Carnahan.....	June 30, 1911.....	3.00
	19	Arista B. Williams....	June 30, 1911.....	3.00
	19	James G. Elsdon.....	June 30, 1911.....	3.00
	20	W. W. Gurley.....	June 30, 1911.....	3.00
	20	Elam L. Clarke.....	June 30, 1911.....	3.00
	20	Theodore K. Long.....	June 30, 1911.....	3.00
	20	Rudolph Matz.....	June 30, 1911.....	3.00
	20	Frank P. Graves.....	June 30, 1911.....	3.00
	20	Farlin H. Ball.....	June 30, 1911.....	3.00
	20	E. D. Riddle.....	June 30, 1912.....	5.00
	21	Percival Steele.....	June 30, 1911.....	3.00
	21	Leo J. Doyle.....	June 30, 1911.....	3.00
	21	P. H. Hoag.....	June 30, 1911.....	3.00

	1911.	Received from	In full to	
Apr.	21	Geo. D. Follansbee.....	June 30, 1911.....	3.00
	21	D. L. Morrill.....	June 30, 1911.....	3.00
	21	William L. Patton.....	June 30, 1911.....	3.00
	21	Thomas Z. Creel.....	June 30, 1911.....	3.00
	21	Jno. F. Harris.....	June 30, 1911.....	3.00
	22	M. W. Pinckney.....	June 30, 1911.....	3.00
	22	A. M. Griffin.....	June 30, 1911.....	3.00
	22	Thomas Taylor, Jr.....	June 30, 1911.....	3.00
	22	Maurice V. Joyce.....	June 30, 1911.....	3.00
	22	Oscar M. Torrison.....	June 30, 1911.....	3.00
	24	S. T. High.....	June 30, 1911.....	3.00
	24	W. H. Utt.....	June 30, 1911.....	3.00
	24	Joseph H. Defrees.....	Dec. 31, 1911.....	3.00
	24	Horace Hull.....	June 30, 1911.....	3.00
	24	Alfred E. McCordick....	June 30, 1911.....	3.00
	25	Charles E. Allen.....	June 30, 1911.....	3.00
	25	Wm. Burry.....	June 30, 1911.....	3.00
	25	L. Bastrup.....	June 30, 1911.....	3.00
	25	John H. Wigmore.....	June 30, 1912.....	5.00
	25	Robert T. Cook.....	June 30, 1912.....	5.00
	25	W. O. Potter.....	June 30, 1912.....	5.00
	25	John L. Gallimore.....	June 30, 1912.....	5.00
	25	Rufus Neely.....	June 30, 1912.....	5.00
	26	Francis W. Parker.....	June 30, 1911.....	3.00
	26	Marquis Eaton.....	June 30, 1911.....	3.00
	26	Francis W. Walker.....	June 30, 1911.....	3.00
	26	Nellie Carlin.....	June 30, 1911.....	3.00
	26	Jerome J. Cermak.....	June 30, 1912.....	5.00
	27	C. E. Crafts.....	June 30, 1911.....	3.00
	27	Julius Stern.....	June 30, 1911.....	3.00
	27	William Dillon.....	June 30, 1911.....	3.00
	27	Wm. Meade Fletcher....	June 30, 1911.....	3.00
	27	Lynden Evans.....	June 30, 1911.....	3.00
	27	Alonzo Hoff.....	Dec. 31, 1911.....	3.00
	27	E. S. Robinson.....	June 30, 1911.....	3.00
	28	John S. Miller.....	Dec. 31, 1911.....	3.00
	28	John P. Wilson.....	June 30, 1911.....	3.00
	28	P. J. Lucey.....	June 30, 1912.....	5.00
	29	Charles F. Vogel.....	June 30, 1912.....	5.00
	29	Walter C. Schneider....	June 30, 1912.....	5.00
	29	Jos. P. Gulick.....	June 30, 1912.....	5.00
May	1	Charles S. Schoenmann..	June 30, 1911.....	3.00
	1	W. T. ApMadoc.....	June 30, 1911.....	3.00

1911.		Received from	In full to	
May	1	C. S. Darrow.....	June 30, 1911.....	3.00
	1	L. H. Strawn.....	June 30, 1911.....	3.00
	1	C. A. Richmond.....	June 30, 1911.....	3.00
	1	G. W. Kretzinger.....	Dec. 31, 1911.....	3.00
	1	J. L. Bennett.....	June 30, 1911.....	3.00
	1	Oliver R. Barrett.....	June 30, 1911.....	9.00
	3	John H. Batten.....	June 30, 1911.....	3.00
	3	H. W. Wolsely.....	June 30, 1911.....	3.00
	3	W. W. Wheelock.....	June 30, 1911.....	3.00
	3	George W. Huston.....	June 30, 1911.....	3.00
	3	Frederick Z. Marx.....	June 30, 1911.....	3.00
	3	H. Leonard Jones.....	June 30, 1912.....	5.00
	3	W. J. Dolan.....	June 30, 1912.....	5.00
	3	Peter P. Schaefer.....	June 30, 1912.....	5.00
	3	Lloyd Palnter.....	June 30, 1911.....	3.00
	1.	S. Blumenthal.....	June 30, 1911.....	3.00
	3	O. W. Dynes.....	June 30, 1911.....	3.00
	4	William R. Moss.....	June 30, 1911.....	3.00
	4	Ralph M. Shaw.....	June 30, 1911.....	3.00
	4	George M. Thompson....	June 30, 1911.....	3.00
	4	Jesse R. Long.....	June 30, 1911.....	3.00
	4	James Ewing Davis....	June 30, 1911.....	3.00
	4	C. M. Clay Buntain....	June 30, 1912.....	5.00
	4	Burton F. Peek.....	June 30, 1911.....	3.00
	5	Henry M. Shabad.....	June 30, 1911.....	3.00
	5	Edwin L. Harpham....	June 30, 1911.....	3.00
	5	T. H. Castle.....	June 30, 1911.....	3.00
	6	H. W. Magee.....	June 30, 1911.....	6.00
	15	John R. Montgomery....	June 30, 1911.....	3.00
	15	P. V. Castle.....	June 30, 1911.....	3.00
	15	Charles J. O'Connor....	June 30, 1911.....	3.00
	15	Amos C. Miller.....	June 30, 1911.....	3.00
	15	Walter D. Herrick....	June 30, 1911.....	3.00
	15	Frank H. Janlszeski....	June 30, 1911.....	3.00
	15	William A. Adams.....	June 30, 1911.....	6.00
	15	C. S. Harmon.....	June 30, 1911.....	3.00
	15	S. A. Hubbard.....	June 30, 1911.....	3.00
	15	R. J. Grier.....	June 30, 1911.....	3.00
	15	Robert Henning.....	June 30, 1911.....	3.00
	15	Gale Blocki.....	June 30, 1911.....	3.00
	15	William C. Hartray....	June 30, 1911.....	6.00
	15	Victor Elting.....	June 30, 1911.....	3.00
	15	Henry S. Robbins.....	June 30, 1911.....	3.00

1911.		Received from	In full to		
May	15	John M. Cameron.....	June 30,	1911.....	3.00
	15	A. J. Pfisum.....	June 30,	1911.....	3.00
	15	Stuart G. Shepard.....	June 30,	1911.....	3.00
	15	W. E. Trautmann.....	June 30,	1911.....	3.00
	15	Albert O. Olson.....	June 30,	1911.....	3.00
	15	Walter J. Grant.....	June 30,	1911.....	3.00
	15	F. J. Newey.....	June 30,	1911.....	3.00
	15	Theodore Brentano.....	June 30,	1911.....	3.00
	15	C. H. Burton.....	June 30,	1911.....	3.00
	15	Earl D. Monroe.....	June 30,	1911.....	3.00
	15	E. S. McDonald.....	June 30,	1911.....	3.00
	15	M. L. Raftree.....	June 30,	1911.....	3.00
	15	W. B. Jarvis.....	June 30,	1911.....	3.00
	15	W. T. Abbott.....	June 30,	1911.....	3.00
	15	Francis E. Matthews...	June 30,	1911.....	3.00
	15	Geo. S. Steere.....	June 30,	1911.....	6.00
	15	W. H. McSurely.....	June 30,	1911.....	3.00
	15	C. E. Epler.....	June 30,	1911.....	3.00
	15	Wm. Winkelmann.....	June 30,	1912.....	5.00
	15	W. G. Spurgin.....	June 30,	1912.....	5.00
	15	John H. Savage.....	June 30,	1912.....	5.00
	16	J. J. Bundy.....	June 30,	1911.....	3.00
	16	Julius R. Kline.....	June 30,	1911.....	3.00
	16	Geo. Mills Rogers.....	June 30,	1911.....	3.00
	16	Henry R. Pebbles.....	June 30,	1912.....	5.00
	16	Axel Chytraus.....	June 30,	1911.....	3.00
	16	Roger Sherman.....	June 30,	1911.....	3.00
	18	A. H. Heyman.....	June 30,	1911.....	3.00
	18	Chas. E. Vroman.....	June 30,	1911.....	3.00
	18	Adelor J. Pettit.....	June 30,	1911.....	3.00
	18	J. L. Ray.....	June 30,	1912.....	5.00
	19	Ralph R. Bradley.....	June 30,	1911.....	3.00
	19	P. B. Warren.....	June 30,	1911.....	3.00
	19	James M. Hamill.....	Dec. 31,	1911.....	3.00
	19	P. J. Bailey.....	Dec. 31,	1911.....	3.00
	19	Geo. W. Hess.....	June 30,	1911.....	3.00
	19	F. J. Houlihan.....	June 30,	1912.....	5.00
	19	Chester M. Turner.....	June 30,	1911.....	3.00
	19	Sylvanus Geo. Levy....	June 30,	1912.....	5.00
	27	William M. Provine....	Dec. 31,	1911.....	3.00
	27	Walter M. Provine....	June 30,	1911.....	3.00
	27	Robert E. Larkin.....	June 30,	1912.....	5.00
	27	Edgar R. Hart.....	June 30,	1912.....	5.00

<i>1911.</i>		<i>Received from</i>		<i>In full to</i>		
May	27	Thomas E. Gillespie....	June 30,	1912.....	5.00	
	27	Jay P. Smith.....	June 30,	1912.....	5.00	
	27	William J. Emerson....	June 30,	1912.....	5.00	
	27	F. Wm. Kraft.....	June 30,	1912.....	5.00	
	27	J. C. Seyster.....	June 30,	1912.....	5.00	
	27	Hugo Pam.....	June 30,	1912.....	5.00	
	27	Edward Boyle.....	June 30,	1912.....	5.00	
	29	J. W. Tracey.....	June 30,	1911.....	3.00	
	29	Harry M. Miller.....	June 30,	1912.....	5.00	
June	29	W. T. Schumacher.....	June 30,	1912.....	5.00	
	2	William Beye.....	June 30,	1911.....	3.00	
	2	A. P. Humburg.....	June 30,	1911.....	3.00	
	2	R. C. Rice.....	June 30,	1911.....	3.00	
	2	Charles F. Morse.....	June 30,	1911.....	3.00	
	2	Thomas G. Windes.....	Dec. 31,	1911.....	3.00	
	2	F. W. Bull.....	June 30,	1911.....	3.00	
	2	G. F. Taylor.....	June 30,	1912.....	5.00	
	2	A. C. Edie.....	June 30,	1912.....	5.00	
	2	William L. Reed.....	June 30,	1912.....	5.00	
	2	H. A. Neal.....	Dec. 31,	1911.....	3.00	
	5	Charles H. Havard....	June 30,	1911.....	3.00	
	5	Clayton J. Barber.....	June 30,	1911.....	6.00	
	5	B. M. Chipperfield.....	June 30,	1911.....	3.00	
	5	A. L. Anderson.....	June 30,	1911.....	3.00	
	5	John R. Moreland.....	June 30,	1911.....	6.00	
	5	Armor Moreland.....	June 30,	1911.....	6.00	
	5	John M. Elliott.....	June 30,	1911.....	3.00	
	5	Victor P. Arnold.....	June 30,	1911.....	6.00	
	5	George L. Douglass....	June 30,	1911.....	3.00	
	5	Joseph E. Paden.....	June 30,	1911.....	3.00	
	5	Frank Asbury Johnson..	June 30,	1911.....	3.00	
	5	A. Binswanger.....	June 30,	1911.....	3.00	
	5	C. H. Fyfe.....	June 30,	1911.....	6.00	
	5	Calvin Rayburn.....	Dec. 31,	1911.....	3.00	
	5	A. R. Gates.....	June 30,	1911.....	3.00	
	5	Samuel Kerr.....	June 30,	1911.....	3.00	
	5	C. P. Summers.....	June 30,	1911.....	3.00	
	5	Timothy F. Mullen....	June 30,	1911.....	3.00	
	5	Edward P. Kirby.....	Dec. 31,	1911.....	21.00	
	5	E. M. Griggs.....	June 30,	1911.....	3.00	
	5	John D. Casey.....	June 30,	1911.....	3.00	
	5	Robert P. Vail.....	June 30,	1911.....	3.00	
	5	O. H. Wylie.....	June 30,	1911.....	3.00	

<i>1911.</i>	<i>Received from</i>	<i>In full to</i>	
June	5 H. A. Jones.....	June 30, 1911.....	3.00
	5 Howard O. Sprogle.....	June 30, 1911.....	3.00
	5 James S. Murray.....	June 30, 1911.....	3.00
	5 Edward W. Everett.....	June 30, 1911.....	3.00
	5 Duncan McDougall.....	June 30, 1911.....	3.00
	5 H. K. Tenney.....	Dec. 31, 1911.....	3.00
	5 Rudolph D. Huszagh.....	June 30, 1911.....	3.00
	5 Frederick Mains.....	June 30, 1911.....	3.00
	5 C. W. Greenfield.....	June 30, 1911.....	3.00
	5 A. T. Summers.....	June 30, 1911.....	3.00
	5 W. A. Bradford.....	June 30, 1911.....	6.00
	5 B. F. Thompson.....	June 30, 1911.....	3.00
	6 Joshua R. H. Potts.....	June 30, 1911.....	3.00
	6 Edward A. Dicker.....	June 30, 1911.....	3.00
	6 Thomas Marshall.....	June 30, 1911.....	3.00
	6 George Burry.....	June 30, 1911.....	3.00
	6 Frank A. Helmer.....	Dec. 31, 1911.....	3.00
	6 John Maynard Harlan.....	June 30, 1911.....	3.00
	6 Nathan Grier Moore.....	June 30, 1911.....	3.00
	6 Albert Dean Currier.....	June 30, 1911.....	3.00
	6 George B. Rhoads.....	June 30, 1911.....	3.00
	6 Samuel D. Wead.....	June 30, 1911.....	3.00
	6 Leslie D. Puterbaugh.....	June 30, 1911.....	3.00
	6 Edgar Eldridge.....	June 30, 1911.....	6.00
	6 Mark Meyerstein.....	June 30, 1911.....	3.00
	6 Ira J. O'Harra.....	June 30, 1911.....	3.00
	7 F. L. Hatch.....	June 30, 1911.....	3.00
	7 Charles J. Faulkner, Jr.....	June 30, 1911.....	3.00
	7 Albert M. Kales.....	June 30, 1911.....	3.00
	7 Taylor E. Brown.....	June 30, 1911.....	3.00
	7 Margaret C. Wich.....	June 30, 1910.....	3.00
	7 Mark E. Guerin.....	June 30, 1911.....	3.00
	7 John F. Tyrrell.....	June 30, 1911.....	3.00
	7 Ben M. Smith.....	June 30, 1911.....	3.00
	7 Harry Higbee.....	Dec. 31, 1911.....	3.00
	7 E. P. Field.....	June 30, 1911.....	3.00
	7 John H. Hanley.....	June 30, 1911.....	6.00
	7 E. Bentley Hamilton.....	June 30, 1911.....	3.00
	7 Emil C. Wetten.....	June 30, 1911.....	3.00
	7 Joseph A. Connell.....	June 30, 1911.....	3.00
	7 William L. Ellwood.....	June 30, 1911.....	3.00
	7 Joseph P. Streuber.....	June 30, 1911.....	3.00
	7 Law E. Emmons.....	Dec. 31, 1911.....	3.00

<i>1911.</i>	<i>Received from</i>	<i>In full to</i>	
June	8 Theodore G. Case.....	June 30, 1911.....	3.00
	8 J. Kent Greene.....	June 30, 1911.....	3.00
	8 Edmund H. Smalley....	June 30, 1911.....	3.00
	8 Franklin Hess.....	June 30, 1911.....	3.00
	8 Frank L. Wean.....	June 30, 1911.....	3.00
	8 Oscar A. Kropf.....	June 30, 1911.....	3.00
	8 Carlos P. Sawyer.....	June 30, 1911.....	3.00
	8 William T. Wilson....	June 30, 1911.....	3.00
	8 John H. Gillan.....	June 30, 1911.....	3.00
	8 Bernard D. Connelly....	June 30, 1911.....	3.00
	8 Carl Roedel.....	Dec. 31, 1911.....	3.00
	9 John T. Lillard.....	Dec. 31, 1911.....	3.00
	9 James K. Lauher.....	June 30, 1911.....	3.00
	9 David R. Levy.....	June 30, 1911.....	3.00
	9 Eugene G. Fassett.....	June 30, 1911.....	3.00
	9 A. E. Taff.....	June 30, 1911.....	3.00
	9 Frank M. Fairfield....	June 30, 1912.....	5.00
	9 Elmer D. Brothers....	June 30, 1912.....	5.00
	9 Andrew L. Hainline....	June 30, 1912.....	5.00
	9 Conrad G. Gumbart....	June 30, 1912.....	5.00
	10 Winslow Evans.....	Dec. 31, 1911.....	3.00
	10 Francis J. Woolley....	June 30, 1911.....	3.00
	10 Charles F. Mason.....	Dec. 31, 1911.....	3.00
	10 W. V. Cholsner.....	June 30, 1911.....	9.00
	10 A. C. Ball.....	June 30, 1911.....	3.00
	10 W. R. Jewell, Jr.....	June 30, 1911.....	3.00
	10 Charles V. Miles.....	June 30, 1911.....	3.00
	10 Robert Hickman.....	June 30, 1912.....	5.00
	10 A. J. Miller.....	June 30, 1912.....	5.00
	12 John J. Tunnickliff....	June 30, 1911.....	3.00
	12 Otto Gresham.....	June 30, 1911.....	3.00
	12 Thomas Cratty.....	Dec. 31, 1911.....	3.00
	12 William D. McKenzie....	June 30, 1911.....	3.00
	12 James Dwyer.....	June 30, 1911.....	3.00
	12 Juham W. Mack.....	Dec. 31, 1911.....	3.00
	12 David T. Church.....	June 30, 1911.....	6.00
	13 M. F. Gallagher.....	June 30, 1911.....	3.00
	13 Charles J. Scofield....	June 30, 1911.....	3.00
	13 John C. Scully.....	June 30, 1911.....	3.00
	13 Charles B. Webster....	June 30, 1911.....	3.00
	13 Charles Arnd.....	Dec. 31, 1911.....	3.00
	13 Thomas E. Rooney.....	June 30, 1911.....	3.00
	13 H. Erskine Campbell....	June 30, 1911.....	3.00

1911.	<i>Received from</i>		<i>In full to</i>		
June 13	Frederick M. Grant.....	June 30,	1912.....	3.00	
13	Clyde Miller.....	June 30,	1912.....	5.00	
13	Edward J. Sweeney.....	June 30,	1912.....	5.00	
13	Edgar B. Tolman.....	Dec. 31,	1911.....	3.00	
13	Robert Redfield.....	June 30,	1911.....	3.00	
14	Fred A. Bangs.....	June 30,	1911.....	3.00	
14	William O'Dell Clark...	June 30,	1911.....	3.00	
14	John M. Lansden.....	Dec. 31,	1911.....	3.00	
14	James H. Martin.....	June 30,	1913.....	6.00	
15	R. D. Robinson.....	June 30,	1911.....	3.00	
15	C. E. M. Newton.....	June 30,	1911.....	3.00	
15	Frank P. Mies.....	June 30,	1912.....	3.00	
15	J. V. E. Boyer.....	June 30,	1911.....	3.00	
15	Harry B. Boyer.....	June 30,	1912.....	5.00	
16	Marvin E. Barnhart....	June 30,	1911.....	3.00	
16	J. H. Rennick.....	June 30,	1911.....	3.00	
16	John W. Blee.....	June 30,	1912.....	3.00	
16	A. B. Ogle.....	June 30,	1912.....	5.00	
16	Otis F. Glenn.....	June 30,	1912.....	5.00	
17	Almon W. Bulkley.....	Dec. 31,	1911.....	3.00	
17	Edward E. Gray.....	June 30,	1911.....	3.00	
17	Clair E. More.....	June 30,	1911.....	3.00	
17	Isadore Lasker.....	June 30,	1911.....	3.00	
17	Simeon Strauss.....	June 30,	1911.....	3.00	
17	R. K. Walsh.....	June 30,	1911.....	3.00	
17	Ben H. Matthews.....	June 30,	1912.....	5.00	
17	Eben B. Gower.....	June 30,	1912.....	5.00	
19	Henry M. Bacon.....	Dec. 31,	1910.....	6.00	
19	David M. Ball.....	June 30,	1911.....	3.00	
19	W. F. Bundy.....	June 30,	1911.....	3.00	
19	George P. Fisher, Jr....	June 30,	1911.....	3.00	
19	Alvin H. Culver.....	June 30,	1911.....	3.00	
19	O. B. Dobbins.....	June 30,	1911.....	6.00	
19	W. C. Moody.....	June 30,	1911.....	11.00	
19	Solon Philbrick.....	June 30,	1911.....	3.00	
19	N. C. Bainum.....	June 30,	1911.....	3.00	
19	Frank P. Leffingwell...	June 30,	1911.....	3.00	
19	Matthew J. Huss.....	June 30,	1911.....	3.00	
19	C. A. Koepke.....	June 30,	1911.....	3.00	
19	Charles Hughes.....	June 30,	1911.....	3.00	
19	Arnott Stublefield.....	June 30,	1911.....	3.00	
19	W. E. Bryan.....	June 30,	1911.....	3.00	
19	H. Clay Calhoun.....	June 30,	1911.....	6.00	



1911.		Received from	In full to	
June	19	John S. Goodwin.....	June 30, 1911.....	3.00
	19	Warren E. Lewis.....	June 30, 1911.....	3.00
	19	James Hicks.....	June 30, 1911.....	3.00
	19	Albert Salzenstein.....	June 30, 1911.....	3.00
	19	E. P. Brockhouse.....	June 30, 1912.....	5.00
	19	H. C. Simons.....	June 30, 1912.....	5.00
	19	H. A. Parkin.....	June 30, 1911.....	3.00
	19	M. L. Thackaberry.....	June 30, 1911.....	1.75
	19	Charles A. Churan.....	June 30, 1912.....	5.00
	20	C. B. Morrison.....	June 30, 1911.....	3.00
	20	Charles C. Buell.....	June 30, 1911.....	3.00
	20	C. L. Billings.....	June 30, 1911.....	3.00
	20	Frank S. Jones.....	Dec. 31, 1911.....	6.00
	20	F. W. Burton.....	June 30, 1911.....	3.00
	20	E. W. Adkinson.....	Dec. 31, 1911.....	3.00
	20	Rush C. Butler.....	June 30, 1911.....	6.00
	20	Millard R. Powers.....	June 30, 1911.....	3.00
	20	Frederick A. Brown.....	June 30, 1911.....	3.00
	20	E. M. Seymour.....	June 30, 1911.....	3.00
	20	W. W. Wright.....	Dec. 31, 1911.....	3.00
	20	W. W. Wright, Jr.....	June 30, 1911.....	3.00
	20	Shelton F. McGrath.....	June 30, 1911.....	3.00
	20	Frank J. Quinn.....	June 30, 1911.....	3.00
	20	J. W. Gordon.....	June 30, 1911.....	3.00
	20	John T. Richards.....	June 30, 1911.....	3.00
	20	Howard W. Hayes.....	June 30, 1911.....	3.00
	20	J. H. Wilkerson.....	June 30, 1911.....	3.00
	20	C. N. Goodwin.....	June 30, 1910.....	9.00
	20	M. Lester Geers.....	June 30, 1912.....	5.00
	20	Charles W. Ferguson...	June 30, 1912.....	5.00
	20	Wallace G. Humphry...	June 30, 1912.....	5.00
	20	Thomas P. Octigan.....	June 30, 1912.....	5.00
	20	A. F. Goodyear.....	June 30, 1912.....	5.00
	20	Henry L. Wallace.....	June 30, 1912.....	5.00

\$6599.72

## EXPENDITURES.

## Voucher

## No.

1	American Express Company, Expressage on Stationery as per attached bill.....	.40
2	American Express Company, Expressage as per attached bill .....	1.15

## Voucher

## No.

3	Doris Ashmore, Stenographer and Clerical Services for State Bar, addressing envelopes and preparing roll for annual report.....	8.00
4	Herron Brothers, Incidental Office Supplies as per attached bill .....	3.50
5	Gunthorp-Warren Printing Company, Printing as per attached .....	9.00
6	J. O. McKiernan, Stenographic Services as per attached statement .....	13.60
7	American Express Company, Expressage on books returned from Chicago.....	.85
8	Doris Ashmore, Work on Roll of Members for new Report .....	8.00
9	Berry Printing Company, Printing as per attached bill..	4.00
10	Ralph Myers, Stenographic Services incident to preparing 1910 report .....	12.00
11	William Checkley, P. M. Stamps for correspondence...	5.00
12	Gunthorp-Warren Printing Company, 1,040 Banquet tickets .....	5.50
13	A. C. McClurg Co., Printing as per attached Statement	77.75
14	P. B. Eckhart, 1,750 2c. stamps for mailing invitations to annual banquet .....	35.00
15	Gazette Printing Company, Printing Pastors as per attached .....	6.00
16	Hiram T. Gilbert, Fifty copies of synopsis of a bill for an act in relation to Courts @ 20c each.....	10.00
17	Coles County Telephone Company, Telephone services to Chicago with John F. Volgt.....	1.90
17-a	George W. Wickersham, Expenses as Guest of the Association, June 23 and 24, 1910 (cash).....	99.00
18	W. J. Dixon, Expenses as per attached bill.....	9.95
19	Moffett the Photographer, Photograph of Hon. George W. Wickersham .....	1.00
20	Tolman, Redfield and Sexton, Incidental expenses as per attached .....	8.67
21	Bernard & Miller, Printing as per attached.....	30.00
22	Chicago Addressing Co., Addressing and Stamping as per attached statement .....	2.50
23	Gunthorp Warren Printing Co.	
	Job No. 716 as per statement attached.....	\$ 30.00
	Job No. 881 as per statement attached.....	27.50
	Job No. A882 as per statement attached.....	5.50

## Voucher

No.

Job No. A987 as per statement attached.....	5.50	
Job No. 1109 as per statement attached.....	6.00	
Job No. A1021 as per statement attached.....	118.30	
Job No. 1194 as per statement attached.....	10.00	
		202.80
24 D. Ashmore, Clerical services in preparing data for annual report .....	6.00	
25 Oliver A. Harker, Incidental expenses as Chairman of Committee on Organization .....	10.90	
26 R. M. Utterback, Rent of Oliver Typewriter for 1 and 2-3 months .....	5.00	
27 Wm. Checkley, P. M. Stamps for correspondence.....	20.00	
28 Charles J. O'Connor, Rebate of unused banquet ticket..	3.00	
29 Edgar A. Bancroft, Incidental expenses as per attached bill .....	5.83	
30 Frederick A. Brown, Incidental expenses as per attached bill .....	6.25	
31 American Express Co., Expenses on books to Edgar B. Tolman .....	.45	
32 Doris Ashmore, Stenographic and clerical services in preparing report .....	10.00	
33 Gunthorp-Warren Company, printing as per attached No. 1321 and 1341.....	31.00	
34 Henry Horner, Rebate on unused banquet Guest tickets	6.00	
35 Ralph Myers, Work on preparing list of officers for new report .....	10.00	
36 J. O. McKiernan, Stenographic services as per attached statement .....	7.40	
37 Doris Ashmore, Work on preparing 1910 Report.....	2.00	
38 Kate S. Holmes, To reporting 34th Annual meeting and making transcript of proceedings.....	116.00	
39 Hotel La Salle, Expenses of 34th Annual Banquet of Illinois State Bar Association as per attached bill...	1426.76	
40 Western Union Telegraph Co., Telegram service as per attached bill .....	.46	
41 Herron Brothers, Stationery as per attached.....	3.20	
42 Merle Nichols, Work on proofreading.....	1.25	
43 Ralph Myers, Work on proof for report.....	5.00	
44 Gazette Printing Company, Printing as per attached bill .....	2.75	
45 William Checkley, P. M. Stamps.....	5.00	

Voucher

No.		
46	William Checkley, P. M. Stamps for correspondence....	5.00
47	E. L. Renaud, Stenographic services as per attached statement .....	18.35
48	American Express Company, Expressage as per attached bill .....	.45
49	Samuel W. Morgan, Stenographic services as per attached bill .....	65.00
50	Globe-Wernicke Co., Printing as per attached bill.....	36.55
51	Tolman, Redfield & Sexton, Expenses as per attached bill .....	4.00
52	Christy Letters, Stenographic services as per attached bill .....	2.00
53	John F. Voigt, Secy. and Treas., Salary of John F. Voigt as Secy. and Treas. from July 1, 1910, to Dec. 31, 1910	200.00
54	J. O. McKiernan, Stenographic seervices as per attached bill .....	17.94
55	Cornelia Scherer, Stenographic services on preparing notices to Com. on Adm. in Re new members.....	3.00
56	American Express Company, Expressage as per attached bill .....	.30
57	C. J. O'Connor, Postage and expenses of Committee on New Members .....	30.00
58	American Express Company, Delivering 723 reports of the Illinois State Bar Association at 16 cents per volume postage .....	116.13
59	Wm. A. Small, Delivering 910 volumes of 1910 reports at 10c per copy .....	91.10
60	Chicago Legal News, Printing, binding and wrapping 2,265 copies of 1910 Report of the Illinois State Bar Association, and express .....	896.00
61	H. G. Adair, Printer, 55,500 envelopes, .84 changes .....	\$197.00
	55,500 Letter Heads, 12 changes.....	208.00
	Packing and Expressage .....	33.00
	300 Circular Letters, 200 extras.....	6.25
	Postage .....	5.66
		<hr/> 449.91
62	American Express Co., Expressage as per attached bill..	.55
63	Cornelia Scherer, Addressing envelopes.....	6.00
64	Cornelia Scherer, Addressing envelopes for announcements for semi-annual meeting .....	3.00

## Voucher

## No.

65	H. G. Adair, Printing, postage, etc., as per attached bill .....	48.96
66	Berry Printing & Adv. Co., Printing as per attached bill .....	6.50
67	William Checkley, P. M. Stamps for correspondence, Chicago .....	5.00
68	George E. Cole, Envelopes, application cards and printing as per attached statement ordered by C. J. O'Connor, Chairman of the Committee on New Members...	19.50
69	American Express Co., Expressage as per attached bill..	.45
70	Charles J. O'Connor, Chairman, For stamps, postage, etc., follow up letters .....	10.00
71	American Express Company, Delivering 10 packages and exchange .....	5.95
72	Western Union Telegraph Co., 2 telegrams as per attached bill .....	1.12
73	American Express Co., Expressage on books from Springfield .....	.40
74	G. W. Hayes, Freight and drayage as per attached bill	2.15
75	Horace Kent Tenny, Letters and addressing by Trade Circular Addressing Co., as per attached receipt....	2.00
76	Berry Printing and Advertising Co., Printing as per attached bill .....	7.00
77	The Gunthorp-Warren Co., Printing as per attached itemized statement .....	104.50
78	Wm. Checkley, P. M. Stamps for correspondence.....	5.00
79	Cornelia Scherer, Clerical services.....	6.50
80	Cornelia Scherer, Preparing first statements for dues to members .....	7.00
80½	First National Bank, Check charged to account to take up check of Wm. Prentiss for \$12.00 deposited but returned marked N. S. F. (no funds).....	12.00
81	J. S. Garrettson, Treas., Balance of expenses of Illinois State Bar Association at Springfield, Feb. 16, 1911, as per bill attached .....	70.00
82	W. M. Checkley, P. M. Stamps for correspondence.....	30.00
83	American Express Company, Expressage as per attached bill .....	.40
84	Berry Printing and Advertising Co., Printing as per attached bill .....	8.25
85	Western Union Telegraph Company, To telegrams as per itemized statement attached .....	4.12

## Voucher

No:

86	Charles J. O'Connor, Chairman, To money for postage in campaign of Committee on New Members.....	50.00
87	Cornelia Scherer, Clerical services.....	10.00
88	Gunthorp-Warren Printing Company, To printing, posting and mailing circular letters and stamps for same as per bill attached .....	15.64
89	Cornelia Scherer, Clerical services .....	10.00
90	Gunthorp-Warren Printing Company, 10,000 application cards .....	15.00
91	George E. Cole and Co., To printing letter heads, envelopes, application cards, folders, catalogue envelopes and expressage on package to Danville, Illinois.....	82.20
92	John F. Voigt, Expenses as per attached bill.....	36.23
93	Cornelia Scherer, Work on statement returns.....	7.50
94	Tolman, Redfield and Sexton, Cash expended as per attached statement .....	47.23
95	Barnard and Miller, Printing as per attached bill.....	97.50
96	Barnard and Miller, Printing as per attached bill.....	71.98
97	Barnard and Miller, Printing as per attached bill.....	31.23
98	William Checkley, P. M. Stamps for correspondence....	5.00
99	Christy Letters, Addressing, postage, etc. as per attached bills .....	13.10
100	Trade Circular Addressing Co., Preparing, copying and mailing 213 letters as per statement hereto attached .....	7.66
101	Kate S. Holmes, Reporting meeting of Illinois State Bar Association at Springfield, Feb. 16, 1911, as per itemized bill attached .....	90.65
102	William R. Curran, Postage and letter as per attached statement .....	79.94
103	Trade Circular Addressing Company, To check for stamps for letters .....	5.00
104	J. W. Butler Paper Company, Merchandise as per attached bill .....	7.53
105	Berry Printing and Advertising Co., Printing as per attached bill .....	7.00
106	Cornelia Scherer, Clerical services .....	6.00
107	Cornelia Scherer, Clerical services .....	3.00
108	William Checkley, P. M. Stamps for correspondence....	5.00
109	Trade Circular Addressing Co., Stamps for letters to members .....	12.00
110	Cornelia Scherer, Work on receipts of money on first statement .....	3.00

Voucher No.	
111	H. G. Adair, To 3,000 letter heads and envelopes and 2,000 envelopes as per attached bill.....
	31.25
112	Trade Circular Addressing Company, Writing and folding letters, addressing and mailing letters as per bills attached .....
	8.29
113	Tolman, Redfield and Sexton, To cash expended for stamps and telephone calls as per bills attached.....
	19.00
114	Western Union Telegraph Co., Telegrams as per bill attached .....
	3.10
115	Charles J. O'Connor, Postage for letters.....
	50.00
116	Western Union Telegraph Co., Messages as per bill attached .....
	2.42
117	J. O. McKiernan, Stenographic and clerical services and stamps as per attached bill .....
	69.55
118	Cornelia Scherer, Work on second statements.....
	7.50
119	Charles J. O'Connor, Stamps .....
	5.00
120	Cornelia Scherer, Work on returns from second statements .....
	6.00
121	William Checkley, P. M. Stamps for sending out second statements .....
	10.00
122	Berry Printing and Advertising Co., Printing as per attached bill .....
	7.50
123	Wm. Checkley, P. M. Stamps for correspondence.....
	10.00
124	Cornelia Scherer, Sending out cards and letters to County Bar Associations .....
	5.00
125	Trade Circular Addressing Co., Postal cards and postage for circular letters to editors .....
	3.00
126	John F. Voigt, Secy. and Treas., Salary as Secretary and Treasurer for one-half year ending June 30, 1911
	200.00
127	American Express Co., Expressage as per attached bill
	.40
128	Trade Circular Addressing Co., Writing, addressing, folding and mailing circular letters as per bill attached .....
	3.48
129	William Checkley, P. M. Stamps for correspondence....
	5.00
130	Cornelia Scherer, Work on returns of second statements .....
	6.00
131	Charles J. O'Connor, Check for stamps for circular letters .....
	30.00
132	William Checkley, P. M. Stamps for correspondence in sending third statements .....
	5.00
133	Trade Circular Addressing Co., Circular letters, stamps, folding and mailing same as per itemized bill.....
	7.06

Voucher No.		
134	Charles J. O'Connor, Expenses as per attached bill.....	108.55
135	Wm. Johnston Printing Co., Printing 3,200 Invitation cards and envelopes as per bill attached.....	15.00
136	William Checkley, P. M. Stamps for correspondence...	5.00
137	American Express Company, Expressage as per attached bill .....	.70
138	Cornelia Scherer, Work on third statements.....	6.00
		<hr/>
		\$5,792.09
	Brought forward, \$6,599.72, less expenses of guest of the Association, \$100.00.....	6,499.72
June 24.	Received from sale of Banquet tickets at meeting June 23 and 24, 1910.....	\$425.00
	Received from Robert P. Fisher, 1910 Report.....	1.00
		<hr/>
		\$6,925.72

SUMMARY.

Total receipts, including balance from last year.....	\$6,925.72
Total expenditures .....	\$5,792.09

Balance on hand in Bank, June 21, 1911.....\$1,133.63

Respectfully submitted,

JOHN F. VOIGT,  
Treasurer.

THE FIRST NATIONAL BANK.

Mattoon, Illinois, June 21, 1911.

Mr. John F. Voigt, Sec'y-Treas.,  
Mattoon, Illinois.

DEAR SIR:

In answer to your inquiry will state that at the close of business on this date there is on deposit in the First National Bank of Mattoon, Illinois, to the credit of John F. Voigt, Sec'y, Treasurer of the Illinois State Bar Association, the sum of Eleven hundred thirty-three and 63/100 Dollars, (\$1133.63).

Yours very truly,  
THE FIRST NATIONAL BANK,  
Mattoon, Illinois.  
C. H. HOOTS,  
a. Cashier.



MR. VOIGT: In addition to that I have just received from the Chairman of the Committee on Admissions, a check for \$565.00, which is for admission fees received by him, making the total money on hand or in bank, \$1,698.63, which will, no doubt, be somewhat increased before this meeting adjourns. Mr. President, I ask that a committee of audit be named to examine the Treasurer's report.

THE PRESIDENT: What is your pleasure? Shall it be sent to a committee?

MR. RICHBERG: I move that it be referred to a committee of three.

THE PRESIDENT: It is moved that the report of the Treasurer be referred to a committee of three for audit; as many as favor that motion say aye. Contrary minded, say no. It is so ordered. The committee will be announced on the re-assembling after recess.

MR. MACCHESNEY: The auditing committee last year provided that hereafter the Treasurer's report should be referred to a certified public accountant, and that the action of the auditing committee should be limited to passing upon such accountant's qualifications, as it was felt that the Association had grown to such a point that a voluntary committee could not be expected to properly audit the accounts. This was done at the suggestion of Mr. Voigt, the Treasurer, and is believed to be the effective and businesslike way to handle it. I do not know whether that recommendation has been carried out, if not, I believe it should be at this time, rather than to attempt to follow the old practice. That was the instruction of the Association at its last annual meeting.

THE PRESIDENT: I was not aware of that instruction. Have you any suggestion or motion to make on the subject? It is suggested that the auditing committee have the report audited by a certified accountant, and that will be the order unless there is objection.

The report of the Committee on New Members? Mr. Charles J. O'Connor,

*Gentlemen:—*

Your Committee on New Members reports that immediately upon its appointment a list of 900 practicing lawyers was prepared, each member of the Committee furnishing a list of names of those deemed by him to be eligible. To these, thirty days prior to the semi-annual meeting held at Springfield on the 15th day of February, 1911, an invitation was sent out to join the State Bar Association. About fifteen days prior to the meeting a follow-up letter was sent to all who had not previously made application. About eighty applications for membership came as a response to these two letters.

Subsequent to the semi-annual meeting a list of approximately three thousand practicing attorneys deemed eligible was prepared from Martindale's rated attorneys. An invitation to join the Association was sent to each of the names on this list. A second letter was sent to all who did not send in their application and a follow-up letter to each of those who did not respond to one or the other of the first two letters.

In addition to this a four page brief stating the reasons why a lawyer of this State should belong to the State Bar Association was prepared by Mr. Stephens of Danville, and a copy thereof sent to each one of the persons invited to join the Association. Two copies were sent to each of the members of the Association and ten copies to each member of the Committee with a letter to each urging a personal campaign for new members.

As a result of this labor, approximately three hundred applications in all were received. While in some ways this large number of applicants was a very gratifying result of the work of the Committee, yet when we consider the large number of attorneys invited to join, and approximately but ten per cent availing themselves of privilege thus extended to them, your Committee feels there was something lacking. We feel that we were after the wrong class when we invite only rated attorneys. That these men, old, settled and selfish do not wish to help any one but themselves. That the newcomers in the profession who need the strength of the Association and who will give sufficient of their time, labor and service to support the Association should be invited to join.

We therefore recommend that instead of confining the efforts of the Committee on New Members to those attorneys who have become old, established and well rated without the benefit of the Association, it would be well to extend the invitation of the Association to all the young lawyers struggling for recognition. We believe this is right and proper for the reason that before any one can be admitted to the bar, he must furnish the testimony in a court of record of two reputable members of the bar, practicing in the court in which the testimony is taken, that he is a reputable person and of good moral character. Then unless

he has been a practitioner in some other state for a number of years he must pass an examination, showing a high degree of educational attainments.

Respectfully submitted,

CHARLES J. O'CONNOR,

*Chairman, Committee on New Members.*

To Illinois State Bar Association.

THE PRESIDENT: What is your pleasure in regard to the report of the Committee on New Members?

MR. HARKER: I move it be approved.

MR. RICHBERG: So far as that portion as to the qualifications of new members is concerned, that change of the rules as recommended by the Chairman who has just made his report, I move that that portion be referred to the Executive Committee. It requires some sort of action, it ought to be either adopted or rejected, or sent to the proper committee to make a report upon it.

The motion was seconded.

THE PRESIDENT: It is moved and seconded that that portion of the report of the Committee on New Members making the recommendation be referred to the Executive Committee. Are you ready for the question? As many as favor that motion say aye; contrary minded will say no. It is a vote. What is your pleasure now with the general report?

MR. MACCHESNEY: I move it be adopted and approved.

THE PRESIDENT: The next business is the report of the Committee on Admissions, by Mr. William L. Ellwood.

The motion was seconded and carried.

The report is as follows:

MR. ELLWOOD: I will say that there are some names in this list which have been recently presented to your committee, but they have not been with us, under the rules, for twenty days, and therefore, on behalf of your committee I would move that this entire list of names be admitted as members of this Association.

*To the President and Members of the Illinois State Bar Association:*  
GENTLEMEN:

Your Committee on Membership begs leave to make the following report. By reason of the appointment of the Committee on New Members, of which Mr. Charles J. O'Connor is Chairman, your Committee

on Admissions was relieved of the necessity of its members making an aggressive effort on their part to secure new members for the Association, and the business of this Committee has been confined almost exclusively to passing upon applications which have been filed with the Secretary, chiefly through the Committee on New Members, and submitted for the consideration of this Committee.

We feel that too much cannot be said on behalf of the Committee on New Members. Early in the year it inaugurated and constantly waged a campaign for New Members. As a result of this effort there has been submitted for the consideration of this Committee the names of 288 Attorneys of this State for membership in this Association.

At a meeting of your Committee held in Springfield, on February 16th, 1911, it passed upon the application of 73 applicants whose applications had been on file more than twenty days prior to that date and also voted upon 44 additional applications which had not been filed twenty days before that time, electing such applicants subject to any objections that might be filed with the Committee.

We are glad to say that no objections have been filed with this Committee to any of said applicants. We feel that they are among the most active and most honorable practitioners at the Bar of this State, and that their connection with us will be beneficial to our Association and advantageous to them. We feel that it is greatly to be desired that the membership of this Association be increased as much as possible and that as many as possible of the active lawyers of the State be united with us.

I submit herewith the following list, 288 in number, of gentlemen who have been, under our rules, admitted to membership in this Association by a majority vote of your Committee on Admissions.

The list of applicants elected to membership is as follows:

- |   |   |
|---|---|
| Abbott, Edwin H.....                                  | 414 First National Bank Building, Chicago |
| Recommended by John E. MacLeish and R. Allen Stevens. |   |
| Adami, Victor J.....                                  | Care Adams Park, Coulterville             |
| Recommended by A. E. Crisler and H. C. Horner.        |   |
| Adler, Sidney.....                                    | 903-133 W. Washington Street, Chicago     |
| Recommended by Charles J. O'Connor and John F. Voigt. |   |
| Aherne, C. J.....                                     | Dwight                                    |
| Recommended by A. C. Horton and H. E. Torrance.       |   |
| Anderson, Augustus G.....                             | 1500 American Trust Building, Chicago     |
| Recommended by John E. MacLeish and John F. Voigt.    |   |
| Atkinson, Charles A.....                              | 1314 Marquette Building, Chicago          |
| Recommended by Charles J. O'Connor and John F. Voigt. |   |
| Bach, William R.....                                  | 508-512 Livingston Building, Bloomington  |
| Recommended by Frank O. Hanson and Charles L. Capen.  |   |

- Baer, A. H.....First National Bank Building, Belleville  
Recommended by Geo. D. Burroughs and W. M. Warnock.
- Baer, Otto.....820 Unity Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Bagby, George M.....419-9 South La Salle Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Baird, McCawley.....First National Bank Building, Olney  
Recommended by Bruce A. Campbell and Edw. C. Kramer.
- Barasa, Bernard P.....1613 Masonic Temple, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Bardwell, A. C.....211 First Street, Dixon  
Recommended by Henry S. Dixon and C. B. Morrison.
- Barnes, John P.....708-99 Washington Street, Chicago  
Recommended by Jesse A. Baldwin and Henry R. Baldwin.
- Barnes, R. M.....Lacon  
Recommended by Charles J. O'Connor and John F. Voigt.
- Barstow, Alfred.....707 Commercial National Bank Building, Chicago  
Recommended by J. E. MacLeish and N. W. MacChesney.
- Barton, Jesse B.....311 Grand Central Passenger Station, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Beach, T. T.....Lincoln  
Recommended by Charles J. O'Connor and John F. Voigt.
- Beckwith, John W.....810-100 Washington Street, Chicago  
Recommended by Robert McMurdy and S. S. Gregory.
- Bell, Ira J.....520-25 I. O. O. F. Building, Springfield  
Recommended by Geo. M. Morgan and Charles J. O'Connor.
- Behan, Louis V.....1120 Chamber of Commerce, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Bern, Edward A.....1003-112 West Adams Street, Chicago  
Recommended by John E. MacLeish and John F. Voigt.
- Bernreuter, L.....Nashville  
Recommended by A. P. Humburg and George A. Crow.
- Blester, Wm.....510 S. State Street, Belvidere  
Recommended by W. C. DeWolf and A. D. Early.
- Bither, William A.....1211 New York Life Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Boardman, Norman H.....303 Downer Place, Aurora  
Recommended by Charles J. O'Connor and John F. Voigt.
- Boyd, Thomas.....Mound City  
Recommended by Charles J. O'Connor and John F. Voigt.
- Boyer, Harry B.....309-311 Kariher Bldg., 55 Neil Street, Champaign  
Recommended by Oliver B. Dobbins and J. L. Ray.

- Boyle, Edward.....206 South La Salle Street, Chicago  
Recommended by W. R. Curran and Geo. C. Rider.
- Brecker, Oscar W.....807-11-167 West Washington Street, Chicago  
Recommended by Carl R. Chindblom and F. A. Brown.
- Breding, Ben N....1129 American Trust Bldg., 76 W. Monroe, Chicago  
Recommended by Frederick A. Brown and John F. Voigt.
- Brinkman, Geo. A.....1635 West End Avenue, Chicago Heights  
Recommended by Charles J. O'Connor and John F. Voigt.
- Brockhouse, Edward P.....Court House, Jacksonville  
Recommended by Thomas Worthington and John J. Reeve.
- Brothers, Elmer D.....602 N. Y. Life Building, Chicago  
Recommended by John F. Voigt and Morton S. Cressy.
- Buntain, C. M. Clay.....25 Arcade Building, Kankakee  
Recommended by Nathan W. MacChesney and Alex. L. Granger.
- Burns, William Foster.....725 Chicago Stock Exch. Bldg., Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Burns, Randall W.....420 Corn Exchange Bank Bldg., Chicago  
Recommended by R. L. Foote and Charles J. O'Connor.
- Burroughs, Wm. G.....Edwardsville  
Recommended by W. P. Early and Geo. D. Burroughs.
- Busch, Louis A.....Citizens State Bank Building, Champaign  
Recommended by Oliver B. Dobbins and Fred B. Hamill.
- Busch, T. T.....Lincoln  
Recommended by Charles J. O'Connor and John F. Voigt.
- Butler, William N.....2036 Walnut Street, Cairo  
Recommended by Solon Philbrick and O. B. Dobbins.
- Butz, Otto C.....901 Title and Trust Building, Chicago  
Recommended by John E. MacLeish and Lester J. Falk.
- Campbell, Bruce A.....500-505 Metropolitan Bldg., East St. Louis  
Recommended by E. C. Kramer and Geo. D. Burroughs.
- Candee, Robert.....515 Monadnock Block, Chicago  
Recommended by John E. MacLeish and John F. Voigt.
- Carnes, Duane J.....Sycamore  
Recommended by Adam C. Cliffe and George Brown.
- Castle, Howard P.....1019 Chamber of Commerce Bldg., Chicago  
Recommended by Jesse R. Long and Arista B. Williams.
- Cermak, Jerome J.....1630 Tribune Building, Chicago  
Recommended by Willard M. McEwen and Joseph Weissenbach.
- Chandler, Henry P.....1310 Stock Exchange Building, Chicago  
Recommended by N. W. MacChesney and Robert Redfield.
- Childs, Frank Hall..1312 Peoples Gas Bldg., 122 Michigan Ave., Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.

- Chipman, George E.....1206 Tribune Building, Chicago  
Recommended by David H. Jackson and Chas. J. O'Connor.
- Chritton, George A....1508 Marquette Bldg., 140 S. Dearborne, Chicago  
Recommended by P. C. Dryenforth and Chas. J. O'Connor.
- Churan, Charles A.....311-316 Unity Building, Chicago  
Recommended by John F. Voigt and Robert W. Childs.
- Clapper, Sanford S.....Moweaqua  
Recommended by Charles J. O'Connor and John F. Voigt.
- Clark, James F.....Rantoul  
Recommended by Charles J. O'Connor and John F. Voigt.
- Cochran, John R.....700 Commercial National Bank Bldg., Chicago  
Recommended by William Beye and William D. McKenzie.
- Comerford, Frank.....905 Ashland Block, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Condee, L. D.....402-35 N. Dearborn Street, Chicago  
Recommended by Horace Kent Tenney and Edwin A. Munger.
- Cook, Robert T.....Herrin and Marlon  
Recommended by R. R. Fowler and Ed. M. Spiller.
- Coonley, Henry E.....30 N. Dearborn Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Crews, Ralph.....740 Rookery, Chicago  
Recommended by Amos C. Miller and Major McGregor.
- Crossland, Charles.....Bowen  
Recommended by Charles J. O'Connor and John F. Voigt.
- Crowell, Solon W.....Oregon  
Recommended by Charles J. O'Connor and W. L. Ellwood.
- Cunningham, G. W.....Pekin  
Recommended by Geo. C. Rider and F. L. Velde.
- Dawson, Thomas J.....1518 Ashland Block, Chicago  
Recommended by Ralph Wilkin and Charles J. O'Connor.
- Decker, Edward H.....Law Department University of Illinois, Urbana  
Recommended by Frederick Green and O. A. Harker.
- DeGrazia, John.....307 Ashland Block, Chicago  
Recommended by R. Allen Stephens and Fred. A. Brown.
- Dempcy, Thomas E.....Attorney-General's Office, Springfield  
Recommended by June C. Smith and W. F. Bundy.
- Dewey, William S.....Court House, Cairo  
Recommended by John M. Lansden and David S. Lansden.
- Dierssen, George E.....1501-4 Ashland Block, Chicago  
Recommended by Charles M. Haft and Howard W. Hayes.
- Dillon, H. C.....Springfield  
Recommended by George W. Burton and Hugh J. Graham.

- Dixon, Simeon W.....437 Belmont Avenue, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Dolan, W. J.....13 Main Street, Champaign  
Recommended by Oliver B. Dobbins and Fred B. Hammill.
- Donnelly, E. E.....Corn Belt Bank Building, Bloomington  
Recommended by Charles L. Capen and John T. Lillard.
- Doocy, Edward.....Pittsfield  
Recommended by Harry Higbee and Ray N. Anderson.
- Dunn, Robert W.....950-72 W. Adams Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Dupee, Eugene H.....1400 Title & Trust Building, Chicago  
Recommended by Horace Wright Cook and Thos. D. Huff.
- Durand, Arthur F.....1314-16 Fisher Building, Chicago  
Recommended by Parker H. Hoag and William C. Niblack.
- Duzan, Bert S.....Oregon  
Recommended by Charles J. O'Connor and John F. Voigt.
- Dyer, Wayne H.....46-48 Bank Building, 197 Court St., Kankakee  
Recommended by W. R. Hunter and Charles B. Campbell.
- Eagleton, John C.....Robinson  
Recommended by E. Callaghan and Benson Wood.
- Earley, Henry S.....Sycamore  
Recommended by George Brown and Wm. J. Fulton.
- Edelman, Leon.....1129 American Trust Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Edie, A. C.....Monticello  
Recommended by James L. Hicks and John F. Voigt.
- Edwards, William O.....Pinckneyville  
Recommended by Charles J. O'Connor and John F. Voigt.
- Eldridge, Edwin R.....1109 Ft. Dearborn Building, Chicago  
Recommended by John L. Fogle and Charles G. Rose.
- Emerson, William J.....Oregon  
Recommended by Charles J. O'Connor and John F. Voigt.
- Ennis, James I.....1334-40 Stock Exch. Bldg, 30 N. La Salle. Chicago  
Recommended by Edgar B. Tolman and Robert Redfield.
- Ewerts, Peter.....1201-6 Title and Trust Building, Chicago  
Recommended by Monroe Fulkerson and Otto Gresham.
- Fairfield, Frank M.....602 N. Y. Life Building, Chicago  
Recommended by John F. Voigt and John Vennema.
- Fairweather, George O.....1204 Corn Exch. Bank Bldg., Chicago  
Recommended by Earl C. Hales and John F. Voigt.
- Ferguson, Charles W.....303 West State Street, Rockford  
Recommended by A. D. Early and John F. Voigt.



- Fitch, Joel C.....Albion  
Recommended by Fred H. Hand and John F. Voigt.
- Fitch, Joseph H.....1129 County Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Foltz, I. W.....1008-10 Unity Bldg., 127 N. Dearborn St., Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Fort, Arthur C.....Minona  
Recommended by W. L. Ellwood and William Prentiss.
- Framer, Rudolph J.....Murphy Building, East St. Louis  
Recommended by Charles J. O'Connor and John F. Voigt.
- Friedman, Herbert J.....1037 First National Bank Building, Chicago  
Recommended by Sigmund Zeisler.
- Gail, Ernest S.....128 Bloom Street, Highland Park  
Recommended by David H. Jackson and Chas. J. O'Connor.
- Gallimore, John L.....Carterville  
Recommended by R. R. Fowler and Ed. N. Spiller.
- Gee, S. J.....Lawrenceville  
Recommended by Ethelbert Callahan and Edw. B. Green.
- Geers, M Luther....4 and 5 Gerber Bldg., 200 N. Main St., Edwardsville  
Recommended by W. E. Hadley and J. N. Bandy.
- Geeting, John F.....1531 Unity Building, Chicago  
Recommended by Edwin W. Sims and Harry A. Parkin.
- Gilliam, Walter L.....725-7 First National Bank Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Gilbert, Miles Frederick.....Cairo  
Recommended by John M. Lansden and William S. Dewey.
- Gilbert, William B.....1-2-3-4 First National Bank Building, Cairo  
Recommended by David S. Lansden and John H. Lansden.
- Gillespie, Thomas E.....505-11 Cahokia Building, East St. Louis  
Recommended by Alonzo F. Vickers and E. C. Kramer.
- Girten, M. F.....986 People's Gas Building, Chicago  
Recommended by George V. McIntyre and John F. Voigt.
- Glenn, Otis F.....1101 Walnut Street, Murphysboro  
Recommended by Sigmund Zeisler and John F. Voigt.
- Goetz, Albert..437 Stock Exchange Bldg., 30 N. La Salle Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Goodyear, A. F.....Watseka  
Recommended by John H. Gillan and John F. Voigt.
- Gorham, Sidney S.....1221 N. Y. Life Building, Chicago  
Recommended by N. Wm. MacChesney and F. A. Brown.
- Gower, Eben B.....33-36 Bank Building, Kankakee  
Recommended by W. R. Hunter and A. L. Granger.

- Graham, Hugh J.....216½ South Fifth Street, Springfield  
Recommended by R. R. Wilkin and Charles J. O'Connor.
- Gridley, Ernest C., 329 W. State St. Rockford & 406 State St., Belvidere  
Recommended by Charles J. O'Connor and John F. Voigt.
- Guerin, M. Henry.....1406 Tribune Building, Chicago  
Recommended by M. F. Gallagher and Ednyfed H. Williams.
- Guilliams, John R.....600 Washington Boulevard, Chicago  
Recommended by Fred. A. Brown and Geo. V. McIntyre.
- Gulick Joseph P.....11 Main Street, Champaign  
Recommended by Oliver B. Dobbins and Fred B. Hamill.
- Gumbart, Conrad G.....Macomb  
Recommended by Philip E. Elting and Charles W. Flack.
- Hainline, Andrew L.....Care Elting & Hainline.....Macomb  
Recommended by Philip E. Elting and Charles W. Flack.
- Halbert, Wm. U.....11 West Block, Belleville  
Recommended by Frank Perrin and F. J. Tecklenburg.
- Hale, William G.....Law Department University of Illinois, Urbana  
Recommended by Frederick Green and O. A. Harker.
- Hall, Arthur R.....Danville  
Recommended by Walter C. Lindley and J. B. Mann.
- Hamill, Fred B.....Champaign  
Recommended by Oliver B. Dobbins and Henry I. Green.
- Harper, Sam'l A.....714 No. 8 So. Dearborn Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Harrah, R. C.....Effingham  
Recommended by W. S. Holmes B. Wood and R. S. Dyas.
- Harris, Madison R.....716 Reaper Block, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Hart, Edgar R.....Corporation Counsel's Office, City Hall, Chicago  
Recommended by Eugene H. Dupeé and John W. Beckwith.
- Hart, Louis E.....1913 Harris Trust Building, Chicago  
Recommended by J. R. Montgomery and N. W. MacChesney.
- Hart, W. H.....Benton  
Recommended by W. F. Bundy and Frank F. Noleman.
- Hawxhurst, Ralph R.....909-184 La Salle Street, Chicago  
Recommended by Albert N. Eastman and Fred A. Rowe.
- Hayes, John B.....Rochelle  
Recommended by Charles J. O'Connor and John F. Voigt.
- Heer, H. L.....Galena  
Recommended by Thomas J. Sheean and David Sheean.
- Heinfelden, Curt H. G.....624-33 Murphy Building, East St. Louis  
Recommended by E. C. Kramer and Bruce A. Campbell.

Hester, A. M.....	Colfax
Recommended by Frank O. Hanson and Charles L. Capen.	
Hickman, Robert E.....	Benton
Recommended by W. H. Williams and G. A. Hickman.	
Higinbotham, H. M'.....	1200 First National Bank Building, Chicago
Recommended by Charles J. O'Connor and Fred Lowenthal.	
Hill, Robert E.....	102 Public Square, Marion
Recommended by Noah C. Bainum and John F. Voigt.	
Hitt, Rector C.....	Moloney Building, Madison Street, Ottawa
Recommended by Charles J. O'Connor and John F. Voigt.	
Horton, Walter S.....	310 No. 1 Park Row, Chicago
Recommended by John G. Drennan and Blewett Lee.	
Houlihan, Francis J.....	Rector Bldg., 79 W. Monroe St., Chicago
Recommended by James Rosenthal and Adolph Kurz.	
Humphrey, Wallace G.....	Hamilton
Recommended by Charles J. O'Connor and John F. Voigt.	
Humphrey, Robert.....	Lincoln
Recommended by Thos. M. Harris and Wm. R. Baldwin.	
Hyzer, Edward M.....	505-226 W. Jackson Boulevard, Chicago
Recommended by Charles J. O'Connor and John F. Voigt.	
Inngerich, C. R.....	Champaign
Recommended by Oliver B. Dobbins and Fred B. Hamill.	
Erwin, Harry D.....	Stock Exchange Building, Chicago
Recommended by Thomas M. Hoyne and John O'Connor.	
Irwin, Samuel P.....	Corn Belt Bank Building, Bloomington
Recommended by W. R. Curran and Charles L. Capen.	
Jerrett, Thomas L.....	207½ S. Sixth Street, Springfield
Recommended by R. H. Wilkin and Charles J. O'Connor.	
Jarrett, D. I.....	1509 Ashland Block, Chicago
Recommended by Charles J. O'Connor and John F. Voigt.	
Jennings, John Eden.....	Sullivan
Recommended by Charles J. O'Connor and John F. Voigt.	
Jones H. Leonard.....	Trevett-Mattis Bank Building, Champaign
Recommended by Oliver B. Dobbins and Fred B. Hamill.	
Jones, Norman L.....	Carrollton
Recommended by Mark Meyerstein and J. N. Riggs.	
Johnson, Clyde P.....	Carthage
Recommended by Charles J. Scofield and R. Allen Stephens.	
Johnstone, F. B.....	925 The Temple, Chicago
Recommended by William Burry and Walter K. Lincoln.	
Keefe, David E.....	Murphy Building, East St. Louis
Recommended by W. E. Trautman and Chas. J. O'Connor.	

- Kerr, Robert J.....800-115 S. La Salle Street, Chicago  
Recommended by Samuel Kerr and S. S. Page.
- Kerz, Paul.....Galena  
Recommended by David Sheean and Thomas J. Sheean.
- Kraft, F. Wm.....First National Bank Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Kramer, Rudolph J.....Murphy Building, East St. Louis  
Recommended by E. C. Kramer and Bruce A. Campbell.
- Kuebler, George J.....1307 McCormick Building, Chicago  
Recommended by M. F. Gallagher and Ednyfed H. Williams.
- Kundson, Charles S.....716-85 Dearborn Street, Chicago  
Recommended by M. F. Gallagher and Thomas Cratty.
- Lackey, George W.....1303½ State Street, Lawrenceville  
Recommended by Charles J. O'Connor and John F. Voigt.
- Larkin, Robert E.....Masonic Temple, Streator  
Recommended by W. H. Boys and R. M. Griggs.
- Layman, Thomas Jasper.....Benton  
Recommended by W. S. Cantrell and W. H. Williams.
- LeBosky, Jacob.....800 Unity Bldg., 127 N. Dearborn St., Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Levy, Sylvanus George.....1607 At. Dearborn Building, Chicago  
Recommended by Isaac B. Lipson and Earl C. Hales.
- Levy, Harry H.....25 N. Dearborn Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Longenecker, R. R.....725 Stock Exchange Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Loucks, Charles O.....1213 Tacoma Building, Chicago  
Recommended by John E. MacLeish and Lester L. Falk.
- Lowenthal, S. L.....704 Chicago Opera House Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Lowenthal, Fred.....704 Chicago Opera House Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Lowes, George N. B.....1620 Corn Exchange Bank Building, Chicago  
Recommended by Lester L. Falk and John E. MacLeish.
- Lowy, Charles F.....437-44 Stock Exchange Building, Chicago  
Recommended by J. E. MacLeish and R. Allen Stephens.
- Lucy, P. J.....Masonic Temple, Streator  
Recommended by W. H. Boys and E. M. Griggs.
- Lurie, Harry..1410 Title & Trust Bldg., 69 W. Washington St., Chicago  
Recommended by Farlin H. Ball and Henry W. Wolsley.
- Lynch, John.....Olney  
Recommended by Samuel Alschuler and Adolph Kraus.

- MacKay, Henry**.....Mt. Carroll  
Recommended by David Sheean and Thomas J. Sheean.
- Marsh, R. S.**.....State Savings Bank, Harrisburg  
Recommended by Charles J. O'Connor and John F. Voigt.
- Mastin, George C.**.....1106 Fisher Building, Chicago  
Recommended by William Beye and William D. McKenzie.
- Matchett, David F.**.....105 West Monroe Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Matthews, Ben H.**.....Pittsfield  
Recommended by Harry Higbee and Roy N. Anderson.
- Maxwell, Stoy J.**.....Robinson  
Recommended by Ethelbert Callahan and R. H. Wilkin.
- McClellan, James S.**.....1630 Tribune Building, Chicago  
Recommended by M. F. Gallagher and Ednyfed H. Williams.
- McClory, Frederick S.**.....1405 Kesner Building, Chicago  
Recommended by William Beye and William D. McKenzie.
- McDonald, Charles A.**.....Judge Superior Court, Chicago  
Recommended by William Beye and William D. McKenzie.
- McElvain, Robert J.**.....Murphysboro  
Recommended by Charles J. O'Connor and John F. Voigt.
- McGiloray, D. H.**.....1010 Title & Trust Building, Chicago  
Recommended by Robert McMurdy and John F. Voigt.
- McGlynn, Dan.**.....108 North Main Street, East St. Louis  
Recommended by G. D. Burroughs and Thos. Williamson.
- McIlvaine, Wm. B.**.....1605 Marquette Bldg., 204 Dearborn St., Chicago  
Recommended by Nathan G. Moore and John P. Wilson.
- McQuiston, M. L.**.....Paxton  
Recommended by Charles J. O'Connor and Oscar N. Wylie.
- Mecham, John B.**.....1917-20 Harris Trust Building, Chicago  
Recommended by John H. Batten and Charles J. O'Connor.
- Mies, Frank P.**.....614 Hartford Building, Chicago  
Recommended by Jesse Baldwin and Henry R. Baldwin.
- Miller, Andrew J.**.....Urbana  
Recommended by Frank H. Boggs and John F. Voigt.
- Miller, Clyde.**.....S. W. Cor. Public Square, Belleville  
Recommended by George A. Crow and W. R. Weber.
- Miller, Harry M.**.....6 Main Street, Champaign  
Recommended by Oliver B. Dobbins and Fred B. Hamill.
- Miller, John.**.....Carthage  
Recommended by Charles J. Scofield and Clyde P. Johnson.
- Miller, Luther L.**.....1515 Monadnock Block, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.

- Morgan, George.....30 North Dearborn Street, Chicago  
Recommended by any member of Chl. Bar Ass'n, and Charles  
J. O'Connor.
- Neely, Rufus.....301 Public Square, Marion  
Recommended by R. R. Fowler and Ed. M. Spiller.
- Normoyle, D. J.....609 Marquette Building, Chicago  
Recommended by Pliny B. Smith and E. Allen Frost.
- Nortrup, Scott S.....Havana  
Recommended by Franklin L. Velde and Geo. C. Rider.
- Obermeyer, Charles S.....419-184 La Salle Street, Chicago  
Recommended by Chas. J. O'Connor and Willard McEwen.
- O'Connor, John.....58-106 N. La Salle Street, Chicago  
Recommended by Thos. M. Hoyne and Frederick A. Brown.
- O'Connor, John M.....1610 Chl. Title & Trust Bldg., Chicago  
Recommended by Donald R. Richberg and John C. Richberg.
- O'Connor, Andrew J.....206 Maloney Building, Ottawa  
Recommended by Charles J. O'Connor and John F. Voigt.
- Octigan, Thomas P.....416-9 So. La Salle Street, Chicago  
Recommended by N. Wm. McChesney and E. B. Tolman.
- O'Donnell, James V.....420 Reaper Block, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Ogle, Albert B.....22 South Illinois Street, Belleville  
Recommended by Frank Perrin and F. J. Tecklenburg.
- Olmstead, L. B.....Somonauk  
Recommended by George Brown and John Faissler.
- Olson, Jonas W.....Post Office Block, Galva  
Recommended by E. P. Williams and J. D. Welsh.
- Pam Hugo.....859 The Rookery, Chicago  
Recommended by John F. Voigt and Morton S. Cressy.
- Pearsons, H. P.....1502 Borland Building, Chicago  
Recommended by William Beye and William D. McKenzie.
- Pebbles, Henry R.....1538 Tribune Building, Chicago  
Recommended by Eugene H. Garnett and Edward H. Dicker.
- Peirce, James S.....1431 Marquette Building, Chicago  
Recommended by H. Musgrove and George P. Fisher.
- Pendleton, Carleton H.....1201-112 W. Adams Street, Chicago  
Recommended by William Beye and William D. McKenzie.
- Perlman, Israel.....1105 Ashland Block, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Persons, Perry L.....County Building, Waukegan  
Recommended by David H. Jackson and Chas. J. O'Connor.
- Phelps, Delos P.....1107 Ashland Block, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.

- Pillow, George W.....Marion  
Recommended by Charles J. O'Connor and John F. Voigt.
- Pollack, Sidney S.....1524 First National Bank Building, Chicago  
Recommended by E. Allen Frost and Charles J. O'Connor.
- Potter, W. O.....301 Public Square, Marion  
Recommended by R. R. Fowler and Ed. M. Spiller.
- Potts, Cuthbert D.....1531-6 Unity Building, Chicago  
Recommended by Chas. H. Mitchell and Willis Melville.
- Powers, J. W.....Farmer's National Bank Building, Pekin  
Recommended by Franklin L. Velde and W. R. Curran.
- Prettyman, William S.....Pekin  
Recommended by Franklin L. Velde and W. R. Curran.
- Radley, R. H.....907 Jefferson Building, Peoria  
Recommended by W. R. Curran and Geo. C. Rider.
- Ramsey, George P.....330 North Market Street, Mt. Carmel  
Recommended by Bruce A. Campbell and P. J. Kolb.
- Rankin, Ode L.....1019 Ashland Block, Chicago  
Recommended by Edwin K. Walker and J. Kent Greene.
- Rawlins, Edward W.....940 The Rookery, Chicago  
Recommended by Charles D. Clark and Henry D. Sheean.
- Ray J. L.....Champaign  
Recommended by Oliver B. Dobbins and Fred B. Hamill.
- Rea, John J.....Urbana  
Recommended by Oliver B. Dobbins and Fred B. Hamill.
- Reed, John P.....1400 Title and Trust Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Reed, William L.....1522 Harris Trust Building, Chicago  
Recommended by Earl C. Hales and John A. McKeown.
- Rich, A. R.....Washington  
Recommended by Geo. C. Ryder and John F. Voigt.
- Richmond, E. D.....Lacon  
Recommended by D. H. Gregg and R. M. Barnes.
- Riddle, Earle D.....LeRoy  
Recommended by Sain Welty and Charles L. Capen.
- Riley, Walter B.....Champaign  
Recommended by Oliver B. Dobbins and Fred B. Hamill.
- Robinson, Edward S.....226 South Sixth Street, Springfield  
Recommended by W. E. Hadley and Geo. D. Burroughs.
- Rose, Charles G.....1109 Ft. Dearborn Building, Chicago  
Recommended by John M. Cameron and Timothy F. Mullen.
- Rundall, Charles O.....1620 Corn Exchange Bank Building, Chicago  
Recommended by John E. MacLeish and Frank H. Scott.

- Ryden, Otto G.....614 Hartford Building, Chicago  
Recommended by Oscar M. Torrison and Chas. J. O'Connor.
- Ryder, N. L.....Edwardsville  
Recommended by W. E. Hadley and Geo. D. Burroughs.
- Savage, Manford.....Champaign  
Recommended by Frank H Boggs and O. A. Harker.
- Savage, John H.....406 Cutting Building, Joliet  
Recommended by John B. Flithian and J. L. O'Donnell.
- Schaefer, Peter.....13 Main Street, Champaign  
Recommended by Oliver B. Dobbins and Fred B. Hamill.
- Schmiedeskamp, H. E.....Stern Building, Quincy  
Recommended by John E. Wall and S. A. Hubbard.
- Schneider, Walter C.....21 Arcade Building, Kankakee  
Recommended by W. R. Hunter and A. L. Granger.
- Schumacher, H. T.....37 Nell Street, Champaign  
Recommended by Oliver B. Dobbins and Fred B. Hamill.
- Schuwerk, Wm. M.....Evansville  
Recommended by A. E. Crisler and John F. Voigt.
- Sexton, Wm. H.....1310 Stock Exchange Building, Chicago  
Recommended by Edgar B. Tolman and John F. Voigt.
- Seyster, J. C.....Oregon  
Recommended by Charles J. O'Connor and John F. Voigt.
- Silber, Clarence J.....1020-23 Home Insurance Building, Chicago  
Recommended by Julius Stein and Jno. D. Silber.
- Simons, Henry C.....Virden  
Recommended by Charles J. O'Connor and John F. Voigt.
- Slusser, Mazzini.....Wheaton  
Recommended by Charles J. O'Connor and John F. Voigt.
- Smith, Blake C.....1217 Ashland Block, Chicago  
Recommended by Jesse Baldwin and Henry R. Baldwin.
- Smith, Herman B.....224½ Liberty Street, Morris  
Recommended by Cornelius Reardon and J. W. Rausch.
- Smith, Jay P.....1103 Tacoma Building Chicago  
Recommended by B. F. Langworthy and Fred. A. Brown.
- Smoot, Harry E.....1321-4 Stock Exchange Building, Chicago  
Recommended by James J. Forstall and William Beye.
- Spurgin, William G.....Court House, Urbana  
Recommended by Henry I. Green and Frank H. Boggs.
- Stead, J. Walter.....726 First National Bank Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Stein, Sidney.....1163 First National Bank Building, Chicago  
Recommended by Donald R. Richberg and Philip Stein.



- Sweeney, Edward J. . . . . DeWitt County National Building, Clinton  
Recommended by Hugh Crea and Frank H. Boggs.
- Taylor, G. F. . . . . Effingham  
Recommended by W. S. Holmes and Benson Wood.
- Taylor, Wm. Annan. . . . . 576 The Rookery, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Topliff, Samuel. . . . . 946-72 W. Adams Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Torrance, H. E. . . . . Pontiac  
Recommended by A. C. Norton and John F. Voigt.
- Vallette, Clair D. . . . . 1204 Majestic Building, Chicago  
Recommended by Orrin N. Carter and Mazzini Slusser.
- Van Kirk, Samuel A. . . . . N. Rooms, Drover's Bank Building, Vienna  
Recommended by P. T. Chapman and Charles J. O'Connor.
- Veeder, Henry. . . . . 76 W. Monroe Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Vogel, Charles F. . . . . 1515 First National Bank Building, Chicago  
Recommended by Thomas G. Vent and H. F. Dickinson.
- Wallace, Henry L. . . . . 1603 Majestic Building, Chicago  
Recommended by Edgar B. Tolman and W. M. McEwen.
- Weaver, J. B. . . . . Court House, Springfield  
Recommended by R. H. Wilkins and Charles J. O'Connor.
- Wegg, F. J. . . . . 1610 Corn Exchange Bank Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Welch, William S. . . . . 407 Association Building, Chicago  
Recommended by Monroe Fulkerson and Sam'l Alschuler.
- Wellman, B. J. . . . . 1616 Ashland Block, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Wentworth, Daniel S. . . . . 1400 Title & Trust Building, Chicago  
Recommended by Norman P. Willard and Edgar B. Tolman.
- Wernor Charles. . . . . 70 La Salle Street, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Whitley, M. S. . . . . Harrisburg  
Recommended by W. V. Choisser and A. W. Lewis.
- Wigmore, John H. . . . . Northwestern University Building, Chicago  
Recommended by Charles J. O'Connor and John F. Voigt.
- Williams, Walter W. . . . . South Main Street, Benton  
Recommended by W. H. Hart and Geo. T. Buckingham.
- Willson, Royal Andrew. . . . . Bloomington  
Recommended by John R. Montgomery and J. R. MacLeish.
- Winkleman, Wm. . . . . Belleville  
Recommended by Frank Perrin and John F. Voigt.

- Winters, Andrew L.....606-7 Ashland Block, Chicago  
 Recommended by Samuel E. Knecht and Earl C. Hales.
- Wise, William G.....501 Title & Trust Building, Chicago  
 Recommended by Amos C. Miller and Walter S. Holden.
- Wombacher, G. F.....Mascoutah  
 Recommended by Charles J. O'Connor and John F. Voigt.
- Woods, W. F.....Champaign  
 Recommended by Frank H. Boggs and O. A. Harker.
- Woodward, Charles E.....Attorney General's Office, Springfield  
 Recommended by Fred H. Hand and R. H. Wilkin.
- Zacharias, Michael C.....602 City Hall, Chicago  
 Recommended by Raymond W. Beach and Elmer E. Beach.
- Zick, Fred.....Polo  
 Recommended by Charles J. O'Connor and John F. Voigt.
- Zipf, Oscar R.....Freeport  
 Recommended by Charles J. O'Connor and John F. Voigt.

Respectfully submitted,

W. L. ELLWORTH,

*Chairman.*

H. R. NORTRUP,

WM. T. ABBOTT,

WM. A. POTTS,

GEO. W. THOMPSON,

*Committee on Admissions.*

MR. RICHBERG: I move the suspension of rules in order that we may be able to vote upon the motion of the Chairman of the committee.

THE PRESIDENT: The first motion is for the suspension of the rules for the admission of those gentlemen whose applications have not been on file with the committee twenty days. Are you ready for the question on that motion? As many as favor that motion will say aye. (A number responded.) Contrary minded will say no. The motion is carried. What is your pleasure now, gentlemen, as to the report of the committee?

MR. RICHBERG: I move that it be adopted.

The motion was seconded and carried.

MR. MACCHESNEY: I desire at this time to make a motion with reference to the method of electing new members. It seems to me that Mr. O'Connor's suggestion that the Committee on New

Members be allowed to invite any one who is a member of the Bar, is an admirable one, and I hope that the Executive Committee will allow that to be done, because when they receive the applications they still are to be passed upon by the Committee on Admissions and then elected at the annual meeting. But it seems to me that it would be well for us at this time to adopt a further rule similar to the one now in effect in connection with the Chicago Bar Association, whereby the names of all applicants for membership are mailed to the members of the Bar Association, because, in the very nature of the case these things are not considered unless they are placed before the members. This could be done without expense to the Association practically, by having a list of all pending applications printed by the Committee on Admissions and submitted to the members in connection with the call for this annual meeting, so that before they are voted upon, as we have just done, every member of the Association would know who was to be elected; and then there would be no danger in suspending the rules for the admission of men who have not been fully considered, because if any one had any objection he could call attention to it, and call the committee's attention to it before the annual meeting came around. I believe that this should be done, and I move, Mr. President, that the Committee on Admissions hereafter furnish the Secretary a full list of members who are to be elected at the annual meeting, and that the Secretary be instructed to submit such list in connection with his call for such annual meeting.

MR. RICHBERG: The motion is seconded.

The motion was carried.

#### REPORT.

##### *To the Illinois State Bar Association.*

Your Committee on Organization begs leave to submit the following report:

The Committee has had but one meeting as a Committee since its appointment. This meeting was held on the 25th day of February, 1911. At this meeting George D. Burroughs was elected Secretary of the Committee.

From the 1910 report of this Association it was ascertained that the following counties were not organized:

McHenry	Bureau	Kendall
Kane	Putnam	Woodford
Stark	Iroquois	Hancock
Livingston	Ford	Schuyler
Mason	Cass	Menard
Brown	Douglas	Coles
Platt	Christian	Macoupin
Shelby	Calhoun	Cumberland
Greene	Fayette	Effingham
Clark	Clay	Lawrence
Crawford	Edwards	Randolph
Wabash	Williamson	Union
Saline	Hardin	Alexander
Johnson	Massac	Monroe
Pulaski	Ogle	
Carroll		

It was ordered that the Chairman of the Committee assign to each member thereof the counties to be organized by such member, and said assignments were duly made.

Judge Baume of Galena advised me upon receiving notice of his assignment that his judicial duties were such that he could not give the matter of organization his attention.

Messrs. Watson, Alschuler, Burroughs, and myself wrote letters to every unorganized county in the State, urging the organization of Local Bar Associations, and that they should, after organization, affiliate with the State Bar Association.

I am advised by Mr. Alschuler of Aurora that he has organized his own county (Kane), and has not been able to do more.

Mr. Watson of Mt. Vernon writes me that: "he wrote an urgent letter to a personal friend in each county assigned to him and none of them responded in any way."

Mr. Burroughs writes: "I have written to practically every lawyer in counties assigned to me, urging the necessity of local organization and requesting them to co-operate with the members of the Bar in their respective counties with a view of perfecting an organization. In these letters I offered to attend a meeting in all of these counties. I had very few replies to these letters. A reply from a prominent lawyer in a good county was to the effect, 'that the lawyers in his county were not in a frame of mind to organize.' The same kind of reply was received from another prominent lawyer in another good county. To many of my letters I did not receive any replies." The result is that Mr. Burroughs was unable to make any progress.

My own efforts and experience have been similar to those of my

colleagues; and your Committee comes to you with a report almost barren of results.

It is quite possible that if each member of this Committee had had the time to visit the counties assigned to them respectively they might have made a success of this work; but their professional duties prevented them doing so. Therefore, your Committee, after mature deliberation, is of the opinion that the only successful way to thoroughly organize the unorganized counties is to select some member of the State Bar Association and pay him for his services, if necessary, and have him visit each unorganized county, and stay until he has an organization perfected. By these means the profession will, in our judgment, be more impressed with the importance of organization than they have been by our correspondence. We call your attention to the report of Chairman Harker, former Chairman of Organization Committee, in support of our view as to how to succeed in this work.

In conclusion, your committee regrets exceedingly that they have been unable to accomplish more, and asks to be discharged from further service.

Respectfully submitted,

W. S. CANTRELL,

*Chairman.*

Attest.

GEORGE D. BURROUGHS,

*Secy.*

J. S. BAUME,

ALBERT WATSON,

GEORGE D. BURROUGHS,

BENJAMIN P. ALSCHULER,

*Committee.*

THE PRESIDENT: The report of the Committee on Uniform State Laws, by Mr. John C. Richberg.

The report is as follows:

*To the Illinois State Bar Association:*

Your Committee on Uniform State Laws begs leave to submit the following report:

At the semi-annual meeting of the Association, held at Springfield, Illinois, February 16, 1911, your Committee made a report on the resolution referred to it by the Executive Committee, passed at the last annual meeting of the Association, providing for the distribution, among the members of the Association, of copies of bills drafted in the interest of Uniform State Laws, as recommended by the National Conference of Commissioners on Uniform State Laws, recommending that the Executive Committee, at the expense of the Association, be em-

powered to distribute among its members the tentative drafts of all such uniform bills, for such suggestions and criticisms as may be recommended by the Commissioners on Uniform State Laws of the State of Illinois. This report of the Committee was adopted at said meeting by the Association.

Your Committee further reports that the President of the Illinois Commission on Uniform State Laws will furnish such tentative drafts from time to time to the Executive Committee of this Association.

Your Committee further reports that the Illinois Commission on Uniform State Laws introduced, at the last session of the General Assembly, the following uniform bills, recommended by the National Conference of Commissioners on Uniform State Laws (all but one State in the Union—Nevada—having Commissions on Uniform State Laws), namely:

- Uniform Bills of Lading Act;
- Uniform Stock Certificate Act;
- Uniform Sales Act.

Governor Charles S. Deneen, in his message to the General Assembly, strongly urged the enactment of these bills into laws and, also, that an appropriation be made for the necessary expenses of the Illinois Commission, including a proportionate share of the expenses of the National Conference, Illinois never having contributed to such expenses or to those of its commission, the commission having annually paid such expenses out of their own pockets. The most important of these three bills, the Bills of Lading Act, was passed by the General Assembly after considerable opposition from certain interests. Too much credit cannot be given, in securing the passage of this Act, to Colonel Nathan William MacChesney, a member of the Illinois Commission on Uniform State Laws, who advocated the measure before the Committee on Railroads against strenuous opposition. The Chairman of this committee has personal knowledge that but for the activity and energy displayed by Colonel MacChesney the measure would not have passed.

It was deemed unnecessary to introduce the following uniform bills, recommended by the National Conference of State Commissioners, namely: Divorce Act, Wife Desertion Act, and Probate and Execution of Foreign Wills Act, because these acts, as recommended by the National Conference, are substantially and practically in force in this State. In fact, these uniform acts have been modeled after and, to an extent, taken bodily from the Illinois Statutes on these subjects.

There has been no lessening of interest, throughout the United States, in the matter of uniform legislation. In fact the various mercantile, manufacturing and business interests, through their various state and national organizations, are actively engaged in a desire to

secure uniform laws where such laws affect their interests. The National Conference of Commissioners on Uniform State Laws is receiving its greatest aid and encouragement from the National Civic Federation, which is actively engaged in the promotion of uniform State laws throughout the Union. Governor Charles S. Deneen has actively and energetically labored in the interests of uniform legislation and given every aid and encouragement to the Illinois Commission.

The National Conference of State Commissioners will hold its next annual session at Boston, Massachusetts, August 25th, when the second tentative draft of the Uniform Incorporation Law will be taken up, discussed and acted upon. It is of course of great importance that a uniform State incorporation law and a national incorporation law, for corporations engaged in interstate commerce, should, so far as possible, be harmonious in its essential particulars. But it is of prime importance that the conflicting State incorporation laws should be harmonized into a uniform State incorporation law, to be adopted by the different States of the Union. It may not be too much to say that when the National Conference, representing forty-five States of the Union, two territories, the District of Columbia and the Island Possessions, finally adopts a Uniform Incorporation Law it ought to be adopted by every State in the Union. The National Conference of State Commissioners, up to the present time, has drafted uniform bills upon the following subjects:

- Negotiable Instruments,
- Warehouse Receipts,
- Bills of Lading,
- Sales,
- Transfer of Stock,
- Divorce,
- Wife Desertion,
- Probate and Execution of Foreign Wills,
- Pure Food and Drugs.

The latter was modeled after the National Act in all of its essential features.

The conference, at its next session, will also have under consideration an act to make uniform the law relating to child labor.

Where our problems are national in necessary comprehension, where State independence means national chaos, either the federal government, as representing the united people, must act for the people, or the States must join hands, sacrifice sectional desires, individual methods of business and adopt uniform legislation as the medium for expressing their diverse interests, even as a common language carries the expression of their divergent thoughts.

In the language of Chief Justice Marshall:

"The government of the Union then is emphatically and truly a government of the people. In form it emanates from them, its powers are granted by them and are to be exercised directly on them and for their benefit. \* \* \* It is of all, by all and for all."

Respectfully submitted,

JOHN C. RICHBERG,

*Chairman.*

ALBERT D. EARLY,

HARVEY A. JONES,

ELAM L. CLARKE,

*Committee on Uniform State Laws.*

MR. RICHBERG: I move that the report take the usual course and be received. I do not know that any action on the report is needed except that it be received and published in the proceedings.

The motion was seconded and carried.

MR. RICHBERG: May I be permitted to say a word or two, I shall not exceed three or four minutes, in reference to this matter of uniform legislation. As this report shows, there are now forty-five State Commissions, and these commissions are, of course, almost entirely, in fact I may say almost without exception, composed of lawyers, and the members of the Illinois Commission who have met for a great many years, know that they are representative members of the Bars of the various states. When these commissioners meet, as they do annually, next year in Boston, just before the meeting of the American Bar Association, it will have a session of five days at which the reports of the various committees which have had under consideration the drafting of uniform bills, whether by the committee itself or by experts with their assistants, who have been in session during the year will be considered; the reports of the committees will then be taken up by the conference during this five days' session and every report will be acted upon, section by section. Usually it takes three or four years before the commission finally recommends a draft of a bill; there are in many cases first, second, third and fourth tentative drafts presented. After all of this labor has been done and after all these drafts have been sent out to the various members of the commission during the recess of the commission, to leading com-



mercial and industrial associations who may be interested in the subject matters, to members of the Bars in the various states,—after all this has been done then finally it is adopted after it has been in possession and under discussion and consideration by the committee and others for two or three or four years so that we may receive the benefit of every suggestion and make the laws as uniform as possible. Of course in many cases, like in the sales act in this state, there may be radical changes. The sales act enacted by the conference is substantially as the law is now in Illinois, with the exception of the statute of frauds in that respect on personal property there is a radical change, but the reason of that is that the majority of the states of the Union differ as to the application of the statute of frauds as affects personal property. However, a matter of that kind can be suggested or remedied and need not necessarily defeat a uniform bill. But I simply desire to call the attention of the Association to this labor that is going on all the time, and has been going on now for upwards of twenty years. I have been a member of that commission since 1893. One of the members finally declined to attend any more because the state of Illinois was too poor to pay our expenses or contribute to the expenses of the conference. The other member died. The commission consisted originally of three members. I kept it alive until 1907, when the commission was reorganized; an act of the legislature was passed. And although Illinois has adopted three of these uniform bills, which have involved considerable expense, it has never contributed a cent, but the states of Maine, New York, Rhode Island, Pennsylvania and Connecticut have paid the proportionate share that ought to be paid by the state of Illinois to the expenses of the National Conference and printing these bills, proceedings and reports. When this commission was organized in 1907 Gov. Deneen appointed Judge Harker, Dean Wigmore of the Northwestern University, Prof. Freund of the University of Chicago, Col. MacChesney and myself as the commissioners for Illinois. He has recommended on two separate occasions that the legislature make an appropriation for the purpose of paying the expenses of the commission. The commissioners do not desire a salary, they have always served without

pay and are perfectly willing to do so. We have attempted to get a contribution from the state of Illinois to the National Conference, but we have never been able to succeed, although we have had bills at every session of the legislature asking an appropriation from the great state of Illinois, although as the President just stated in his annual address there were eighty-seven different appropriation bills passed and approved it was impossible with all the earnest work of Col. MacChesney and other members of the commission to get the legislature to give us an appropriation. Some of the Bar associations in the different states, notably the New York Bar Association and some others have contributed to the expenses of this commission and, if I must say it, we feel rather chagrined in attending the Association and the National Conference every year and getting the benefit in our own state, thinking well enough of it to pass three of its acts, that we do not contribute a cent; and inasmuch as the State Bar Association seems to be in funds, and as they desire to have these tentative drafts distributed among the members and published, and it would not cost the National Commission perhaps one-fourth of what it would cost this Association, and as this Association has voted to have such printed and distributed, we should like to have an order on the Treasurer of this Association to pay to the Treasurer of the National Conference, as the contribution of the Illinois State Bar Association—and that will probably help us at the next session of the legislature, about \$150.00. I offer this resolution:

RESOLVED, That the Treasurer of this Association be and he is hereby authorized to pay to the Treasurer of the Conference of Commissioners on Uniform State Laws, the sum of one hundred and fifty dollars (\$150.00) as a contribution towards the expenses thereof.

MR. WILLIAMS: I move that the resolution be adopted.

MR. O'CONNOR: I second the motion.

The motion was carried.

THE PRESIDENT: The hour for recess has arrived and we will be considered in recess until two o'clock. Members will not forget to register and will not forget to vote.

Whereupon a recess was taken until two o'clock p. m.

## AFTERNOON SESSION.

The Association reconvened at two o'clock P. M.

THE PRESIDENT: The Association will please be in order. I desire to say to the members of the Association present, that this is purely an informal meeting of this body, if any gentleman feels the spirit moving him to take off his coat he is welcome to do it. (Applause.)

I desire to say, gentlemen, that we have with us this afternoon one of the gentlemen who was a charter member of this Association, and who was present and took part in its organization in the year 1877; he has been an honored lawyer of this state for many years, he has been many years an honored judge of the Circuit Court and a judge of the Appellate Court, George W. Wall, who will now address us on the subject of Judicial Settlement of International Disputes. (Applause.)

The address will be found in Part II.

THE PRESIDENT: The Chair appoints as a committee to secure the auditing of the Treasurer's report, Mr. Winslow Evans of Peoria, James M. Gray of Decatur and Walter J. Dolson of Tuscola.

The Committee on Legal History and Biography will now present its report, by Mr. Chapman of Ottawa.

The report is as follows:

*To the President and Members of the State Bar Association of Illinois.*

GENTLEMEN:

Your Committee on Legal History and Biography have met and carefully considered the duties incumbent on such committee. We do not believe that the members of the Association desire a report which merely takes up the time of the Association without being of value.

It seemed to us that the proper province of this committee would be to from time to time take up some particular subject of our present day law which was of interest, and show its origin, growth, development and present status. This would be of real value, and if the committee selected should make this its field of work we would, in the course of a few years, have a mine of information which would be helpful to the lawyer in his daily practice.

To cover any one subject in one paper would be impossible. Only a part of the subject could be dealt with at any one meeting of the

Association. To carry out this suggestion would require a permanent committee. Our committee could not make a beginning as we could have no assurance that it would ever amount to more than a beginning.

We recommend to the Association that the province of this committee be outlined above and that the committee be made a permanent one.

Respectfully submitted,

CLARENCE B. CHAPMAN,

*Chairman.*

If not, the next matter of business is the report of the Committee on Legal Education, by Mr. Charles L. Capen.

The report is as follows:

*To the President and the Members of the Illinois State Bar Association.*

When this Association was organized, the standard required for admission to the Bar was so low there could hardly be said to have been any standard at all. There was not any requirement or test as to general education. One year's study, more or less earnest, generally in a law office, and an examination, generally perfunctory, by a committee appointed by the Circuit Court, added to proof of good character, was all that was necessary to obtain a certificate from two justices of the Supreme Court, that created a new attorney-at-law.

Under this, our profession as a whole did not meet reasonable expectations, and a principal object of the Association was declared to be a remedy of the evil. The matter was taken up with earnestness, and an effort crowned with a large success. A high school education, or its equivalent, three years' legal study, and a real test before an official body are now prerequisites. Great improvement is the result.

Since then, the predecessors of your present committee have made many recommendations, but either because there were so many other subjects deemed of more importance, indifference, or lack of time, these recommendations have not been discussed or acted upon at our meetings. The papers have been read, printed in the proceedings and that is all. As to some, or probably most, of the suggestions, there would have been a difference of opinion, had any been expressed; had action been taken, some of the plans would have been approved and others rejected.

Of these, one relates to general culture and preliminary preparation. Ought more than a high school education to be required? Our high schools vary much in their courses of study and efficiency: their graduates are far from uniformity in scholarship. Should there be an examination to test the proficiency, or not, of the applicant; and, if so, should this be before he shall have commenced his law studies? Beginning with this fall's term our State University requires at least one year's collegiate study before admission to its School of

Law. Some other law schools admit none but holders of a college degree; others draw the line at the end of the junior year; still others are satisfied with a high school diploma; but perhaps none of them requires an entrance examination. It may be that, as a minimum, a thorough high school course, if fully availed of, is all that should be demanded, but does a diploma alone show all that should be shown? An abuse in permitting a part of the three years' time to be devoted to other than law studies seems to have grown up in some schools.

Then we have had the recommendation that the case book, as contradistinguished from the text book, system should be required. On the other hand, it has been urged that this is of little moment, except to the student himself; that the only question is what he has learned, without regard to how he has learned, to be determined as far as possible by carefully prepared questions and answers, with the present outcome that but about two-thirds pass. It cannot be claimed, it is said, the records of the Board of Law Examiners furnish support to any of these theories. Yet it may be urged some of them are of substantial value. While it is true, a larger proportion of those who have pursued the text book system have obtained licenses to practice; to some extent have, on the average, obtained higher marks, that may not be a conclusive answer to the question.

At our latest legislature a bill was presented relative to the power to confer law degrees. It was defeated in the Judiciary Committee by a majority vote of one. While it is probable the Bar of the State feels little interest in this regard, it would be desirable to have the opinion of this Association thereon.

We have Correspondence Schools of Law and Night Schools of Law. Should they, or either of them, be recognized as worthy our countenance and support? This deserves discussion.

There is no magic in a college degree or in a high school diploma. Neither can be considered a complete test; yet either is entitled to weight. In all foreign countries, and in some of our States, much stress is placed upon these as being necessary. Should we strive to raise the dignity and usefulness of the profession by following their lead?

Other subjects have received the attention of former committees, and practically ignored by this Association. Would it not be desirable that we should express a corporate opinion?

All these suggestions are ultimately for the Supreme Court. An attorney-at-law is a sworn officer of that court, and an important part of it. We cannot have an able court that can do its full duty to itself, the State, and to litigants without competent counsel, and competent counsel means educated and trained counsel. Year by year, as our

civilization becomes more and more complex, and the duties of courts more exacting and of broader scope, comes a corresponding demand for better fitted lawyers. It is certain the improvement of many years ago cannot be considered as finality of *status*. It is but courtesy to former committees who have presented reports after careful thought and consideration that action be taken upon those reports or some of them, before new ideas be presented. It is useless for the present committee to try to improve upon them, and ungracious to attempt to choose among them or even to make specific recommendations. Our only recommendation is, this meeting appreciate the vital importance of the general subject, and no longer permit those reports to be mere dead, printed pages. The original duty assumed at the first meeting to do all in our power to elevate the profession by taking careful thought as to the qualifications and requirements of those who would enter, not only continues, but is more important than heretofore. Let this session do something that will tend towards making ours more than now, in the true sense a learned profession, that will render the best available service. Your committee desires to magnify its calling by asking, with all the earnestness it can, the great importance of the prerequisites of admission to the Bar, after many years of neglect, receive your attention. It seems probable some advance should be made after the expiration of twenty years; further than the fact that examination tests have improved within that period.

CHARLES L. CAPEN,  
*Chairman of Committee.*  
WM. B. WRIGHT,  
LOT R. HERRICK,  
ERNST FREUND.

THE PRESIDENT: The next order of business is the report of the Committee on Law Reform, by Mr. Edgar B. Tolman.

The report is as follows:

CHICAGO, JUNE 22, 1911.

*To the President and Members of the Illinois State Bar Association:*

GENTLEMEN:—Your Committee on Law Reform begs leave to report as follows:

The work of this committee during the past year has been almost exclusively confined to co-operation with the work of the Illinois Conference on the Reform of the Law of Practice and Procedure. Members of this committee have been present at every meeting of said conference and of its "Drafting Committee," and

have participated in the discussions which culminated in a bill to amend the Practice Act, which was approved by the conference on February 15, 1911, and introduced into both houses of the Legislature but failed of passage.

Said bill was also presented to and discussed by this Association at its midwinter meeting held at Springfield on February 16, 1911, and will appear printed in full in the next bound volume of the proceedings of the Illinois State Bar Association.

Your committee desires to record its approval of the work of the Conference and its Drafting Committee and recommends that its said bill (Senate Bill No 327) be considered and discussed by this Association and referred to its next Committee on Law Reform for the purpose of framing and reporting to said Conference such amendments as may be deemed advisable.

This committee, at the last annual meeting of this association, recommended for your consideration certain general propositions which had been formulated and approved by the American Bar Association "to Suggest Remedies and Formulate Proposed Laws to Prevent Delay and Unnecessary Cost in Litigation." These propositions appear at pages 138 and 141, inclusive, of the proceeding of the Illinois State Bar Association for the year 1910. Said report of this committee was considered by the Drafting Committee of the Conference of the Reform of the Law of Practice and Procedure, and the act prepared by said Drafting Committee and presented to the Legislature affords internal evidence of the approval of many of the general principles contained in said propositions.

Proposition I is as follows:

"A practice act should deal only with the general features of procedure and prescribe the general lines to be followed, leaving details to be fixed by rules of court, which the courts may change from time to time as actual experience of their application and operation dictates."

Your committee now desires to record its conviction that the above-quoted proposition of said committee of the American Bar Association is sound and that it ought to be the fundamental proposition of any bill presented to the Legislature of Illinois dealing with the subject of practice and procedure in the courts.

Your committee believes that the bill prepared by said Drafting Committee might well be amended in some minor details. For example, the details in regard to the service of process by persons other than sheriffs, so that the whole matter of the service of process might be dealt with by rule of court instead of by legislative act. It developed that there was a general desire on the part of lawyers practicing in large centers of population that the practice of fifty years in New York and other states permitting the service of process by persons other than sheriffs, should be put into effect, and that in the counties having sparse population the members of the bar were inclined either to oppose this provision or at least seriously to doubt the advisability of its adoption. If therefore the matter of the service of process was left to the courts to be determined by rules, the experiment might be tried in the courts sitting in the densely populated districts without being made applicable to the country districts. By a similar amendment, the opposition of the country districts to the service of process at law by the delivery of a copy, as in chancery, might also be obviated and that system introduced only where there seemed to be a real demand for it.

"The conference bill sought to give power to the Supreme Court to make rules on the subject of practice and procedure for the *nisi prius* courts, without however taking away from those courts power to make rules for themselves not in conflict with the statute or with the rules of the Supreme Court. This provision met with the approval of the conference, and by far the greater number of those members of the State Bar Association who discussed the matter at the midwinter meeting, but in the Legislature this provision of the bill met with determined opposition in the house. Perhaps the provisions of the bill were misunderstood by members of the Legislature. Probably the bill should be amended so as to eliminate any possible misunderstanding. It would seem as though a system which has been in force in the Federal courts since the beginning of the federal judiciary, and which has been enlarged and applied to each new federal court which has been created during the whole history of our federal jurisprudence, ought not to meet with opposition unless some substantial objection was brought forward to it. The Supreme Court of the United States



has always made rules in equity, admiralty and bankruptcy, and has lately been empowered to make rules for the new Court of Commerce. If the Supreme Court is competent to pass upon those great vital questions which affect the substantial rights of the parties, it is certainly competent to formulate rules for methods to be employed in the ascertainment of those rights. We suggest that the provisions of the conference bill be carefully considered and amendments prepared which will, so far as possible, safeguard the exercise of this power, insure the co-operation of the bench and bar in the making of such rules, and insure the least possible interference with the right and power of the *nisi prius* courts to make rules applicable to their own peculiar situation and necessities.

The third proposition of said committee of the American Bar Association is as follows:

"The sole office of pleadings should be to give notice to the respective parties of the claims, defenses and cross-demands asserted by their adversaries; the pleader should not be held to state all the elements of claim, defense or cross-demand, but merely to apprise his adversary fairly of what such claim, defense or cross-demand is to be."

During the discussions of the conference and drafting committee; it became evident that there was serious opposition in the bar of the state to the adoption of this proposition as stated. The conference bill provided that the pleadings should set out the substantive facts necessary to constitute the cause of action, defense or counter-claim. The bill provided in substance that the pleader should state his *real* cause of action and his *real* defense and abolished the *fictions* of the system of common law pleadings. Whether or not the pleadings should be verified on each side, and, if so, how, was a subject concerning which there was much difference of opinion and earnest debate. Without expressing any opinion at present upon these matters of detail, your committee now recommends the work of said drafting committee in regard to pleadings to this extent at least, that the system of common law pleadings should be retained but should be so assimilated to the system which now obtains in equity that the pleader should be required to plead his real cause of action and his real defense and that all mere fictitious

averments should be abolished. Possibly, a further assimilation of the equitable system requiring verification of the defendant's pleadings only where the plaintiff had verified his pleadings and did not waive the oath, might afford a basis for working out a better solution of the problem in regard to verification of pleadings.

Proposition Number IV of said American Bar Association committee is as follows:

"No cause, proceeding or appeal should be dismissed, rejected or thrown out solely because brought in or taken to the wrong court or wrong venue, but if there is one where it may be brought or prosecuted, it should be transferred thereto, and go on there, all prior proceedings being saved."

Your committee commends the method in which the drafting committee has worked out in concrete form the application of this just principle in its said bill.

The fifth proposition of the American Bar Association committee is as follows:

"The equitable principle of complete disposition of the entire controversy between the parties should be extended to its full controversy and applied to every type of proceeding."

Said bill works out in a manner which seems to this committee to be satisfactory and admirable some of the most important phases of this general proposition. It deals satisfactorily with the allied problems of non-joinder of parties, provisions for making new parties, rendering judgment against less than all of the defendants and in favor of less than all of the plaintiffs, and in dealing with costs in case of misjoinder or unnecessary joinder. In fact, the provisions of said bill merely amount to an assimilation in cases at law of the equitable rules in regard to parties.

The sixth proposition of the report of said committee of the American Bar Association is as follows:

"So far as possible, all questions of fact should be disposed of finally upon one trial."

Said drafting committee has adopted a portion of the recommendations which appear in the report above referred to as sub-propositions under the general proposition above quoted. The bill includes provisions for the reservation of a doubtful point of law

and the taking of a verdict subject thereto, with power in the court and in any other court to which the case may be taken on appeal to enter judgment either on the verdict or on the point reserved. This is a development of a familiar common law practice and is now in successful operation in some states of the United States, and your committee commends the manner in which this subject has been dealt with in the bill above referred to. The drafting committee, however, declined to assent to the recommendations of the American Bar Association committee in regard to the granting of a new trial only with respect to that part of the verdict or decision, if separable, which is found to be affected by error, and declined also to adopt the recommendation of the committee of the American Bar Association with regard to the taking of additional proof of matters capable of proof by record or other incontrovertible evidence for the purpose of sustaining a verdict or judgment on appeal. We concur in the judgment of the drafting committee as to the inadvisability of following the recommendations of the American Bar Association committee in the two respects last mentioned. The drafting committee has adopted the recommendation of said American Bar Association committee in regard to the submission of causes to the jury on alternate issues, where different measures of relief or different measures of damages must be applied, depending upon which view of a doubtful question of law is ultimately taken by the court, with power in the trial court, and in any court to which the cause may be taken on appeal, to render judgment on that one of the alternative verdicts which the court may deem to be based upon the appropriate measure of relief or the proper measure of damages. This provision of the drafting committee's bill meets with our approval.

The provisions of the conference bill in regard to the granting of a new trial and the reversal of a judgment on appeal do not follow the recommendations of the American Bar Association committee, that new trials should be granted and judgments reversed only where it affirmatively appeared from the entire record that the error complained of had actually operated to the prejudice of the substantial rights of the parties. The rule adopted by the confer-

ence is the reverse of the rule urged by the American Bar Association committee, and in effect provided that error would authorize the granting of a new trial or the reversal of a judgment, unless it affirmatively appeared from the entire record that the error complained of did not injuriously affect the substantial rights of the parties. The question of the presumptions arising from the commission of error are questions concerning which the Bar is now sharply divided and probably never can agree. There will always be those who will urge that mere error should not affect a verdict unless it affirmatively appeared to have been prejudicial to the cause of justice, and others who will urge that substantial error should always annul a verdict unless the inference arising from such error was rebutted by the existence in the record of a clear showing that the error was harmless. We express no opinion upon this question at this time, the committee itself being divided upon the proposition; but suggest that, inasmuch as the conference bill now merely states the rule as laid down by the Supreme Court of Illinois, the enactment of this rule into a statute is not only superfluous but might indeed be harmful as restraining the courts from a further and more mature deliberation of the subject and a possible modification thereof in certain particulars, if the court should be of the conclusion that the rule as stated by them required such modification. We believe that judicial construction is more likely to be effective in working out a proper rule on this subject applicable to the different phases of the question when they come up in due judicial course than legislative enactment.

Your committee again calls attention to its bibliography of procedural reform attached as an appendix to its report of last year and appearing on pages 141 and 144, inclusive, of the report of the Illinois State Bar Association for the year 1910. Nearly all of the books and papers mentioned in this bibliography have been collected together by the Chicago Bar Association and are available for examination.

We believe that the discussion of the subject of procedural reform which has been pressed upon the attention of the profession within the last few years will be productive of much good, and that

further discussion and study will result in the evolution of new and improved methods in the administration of justice, promoting greater directness and efficiency and eliminating details and circuity of action.

We further recommend that the bar throughout the state co-operate with the bench in the improvement of existing rules of court in regard to practice and procedure. While under existing statutory requirements the whole subject matter of practice and procedure is not open to be dealt with by the courts, and the courts are necessarily hampered in the promulgation of an ideal set of rules by inelastic statutory provisions on the subject of procedure, yet the *nisi prius* courts have inherently the power to deal with the subject of practice and procedure, except so far as those subjects have been dealt with by the Legislature. We believe that immediate relief might be had from many of the defects of our system of procedure by a careful study of the subject and by the preparation of such rules as will not conflict with existing statutory provisions. To this end, the co-operation of the bench and bar is an essential requisite, and we particularly recommend this phase of the subject to the Association for immediate consideration.

Very respectfully submitted,

EDGAR B. TOLMAN, Ch'n.

DORRANCE DIBELL,

EDW. C. KRAMER,

GEO. T. PAGE,

T. M. HARRIS,

FRANKLIN L. VELDE,

NATHAN W. MACCHESNEY,

JAMES H. MATHENY.

ALBERT SALZENSTEIN.

THE PRESIDENT: The matter of business now before us, gentlemen, will be the consideration of the report of the Committee on Law Reform. Announcement has been made that the discussion would take place on this subject at this time,—on the subject of the amendment of the law of practice and procedure; that is the

general subject of the report. You will remember that at the mid-winter meeting there were a great number of gentlemen present who desired to talk,—we talked as long as we could. Here is the opportunity where everybody connected with this Association who has anything to say on this subject of the amendment of the law of procedure will be in order. The discussion will be limited, as far as convenient, to ten minutes as to each speaker, and no speaker will be allowed to speak twice until all present who desire to speak have previously been heard. I desire to add also: You will remember at that time there seemed to be a very pointed and persistent notion that there should be a vote on this conference bill at that particular time. No vote was had. We are going to have a vote on the adoption of the report of the Chairman of that committee, which vote will carry with it necessarily either the approval or disapproval of the conference bill. Now, with that understanding a motion is in order to adopt the report of the Committee on Law Reform. Do I hear such a motion?

MR. TOLMAN: I move the report be adopted.

MR. RICHBERG: I second the motion.

THE PRESIDENT: It is moved that the report of the Committee on Law Reform, just delivered by Mr. Edgar B. Tolman, be adopted. The matter is now open for discussion. I will call upon Mr. Bruce A. Campbell, of the Conference Committee, to open the discussion.

MR. CAMPBELL: Mr. President, and Gentlemen of the Association: A year ago, when the delegates to the Conference on Law Reform assembled at Chicago for the purpose of considering such matters as might come before that conference relative to reform in matters of practice and procedure, I was selected, with others, as a delegate to that meeting, and I felt at that time, because probably I had not thought much about the subject, that there was very little need of reform in matters of pleading in the state of Illinois. Personally, I still adhere to the position that I took a year ago, but after serving upon the Drafting Committee of the conference by appointment of the Governor during the past year, and after meeting with the lawyers there assembled

and who were appointed for the purpose of presenting proposed amendments to the practice act, I have come to the conclusion that there is a demand among the lawyers of Illinois for some reform in the practice and procedure and in methods of pleading in our courts. I have found that that demand is not as widespread as some people think. I do not believe that there is any demand among the lawyers of this state for any system of code pleading or for any departure from the common law system of pleading. Nor do I believe that there is any considerable demand among the lawyers of this state for any practice act that will take up twelve or fifteen hundred printed pages and take twenty years for us to learn what it contains. I do believe that the lawyers are in favor of some amendments, but that they want those amendments to be separate and independent amendments which from time to time, by observation and experience, are shown to be necessary in order that litigation may be more properly conducted in the courts of our state.

Reform in practice, like other reforms, depends upon a man's viewpoint, and my experience upon this Drafting Committee has taught me that a large number of these reforms arise from the fact that some lawyer has been beaten in a lawsuit by what he thinks is some defect in the statutes of the state and that he wants it reformed so that in case he ever gets another lawsuit just like it he will be able to win it without meeting the same obstacles that he met before. (Applause.) Now that starts reforms, and when another lawyer has run into that same obstacle, and when they talk to other lawyers who have run into it, and enough of them meet the same obstacle, then that reform becomes an accomplished fact. But I do not believe that there ought to be any reform of the methods of practice in this state until the Bar of the state are practically unanimous that they are needed. We ought not to hurry into reform. I favor this conference bill, I helped draw it, along with the other gentlemen: I believe it represents what the Bar of this State want, but I do not believe that any reform ought to come in order to help some lawyer win the next case that comes of the same kind.

There is no better axiom than that "Hard cases make bad law." And there has been talk before this committee that we ought to enact something in this that would affirmatively provide in the statute that the courts of last resort should not reverse a case unless it was affirmatively shown that the error has caused some damage to the person against whom it was committed. If the lawyers who advance that doctrine have read the opinion of the Supreme Court in the last volume, in the advance sheets, in the case of *People v. Cleminson*, I do not think there will be any further demand for that principle to be put in the statute books as a settled principle of statute law. The members of this committee worked diligently upon this bill; we held meetings at Chicago and Springfield; we consulted with attorneys in various parts of the state; we made trips to the Bar Associations in the different parts of the state to explain to them the provisions of the bill. While there are many things in it that, personally, I do not think ought to be in it, yet I am not the man to make a practice act for this state, neither is any other man in this room nor any one lawyer of the state of Illinois. The thing to do is to get the consensus of opinion as to what is best and what will meet the needs and demands of the most lawyers, and more properly expedite justice and present a system that will tend to the speedy and expeditious settlement of lawsuits. That is the kind of a system of pleading and practice that we want in this great state of Illinois. I believe we ought to retain the common law system; that a man ought not to write a letter to the court when he files his declaration, but that he ought to know what he has got to prove and he ought to state in that declaration, as this report says, every substantive fact that is necessary for him to prove in order to maintain his cause of action when he gets into court. If he does not know how to state it on paper how in the world is he going to know what to prove when he gets before the court and jury in the actual trial of the case?

This bill, gentlemen, it seems to me, presents the best solution of the whole question and, as I say, during the past year I have changed my opinion to some extent upon this. While I still favor



the common law system of pleading and would not favor any system that would depart from it, I am free and frank to admit that my experience upon this committee and with this conference has taught me that there are many amendments that ought to be made to our practice act in order to more expeditiously handle the litigation that comes before the courts. My time has expired, and I thank you for your attention. (Applause.)

**THE PRESIDENT:** I will call on Mr. William F. Bundy of the Drafting Committee.

### PROCEDURAL REFORM.

**MR. WILLIAM F. BUNDY:** The agitation for reform in procedure has so far defeated its own purposes. Let me explain. There are a number of evils that have come up in our practice, which almost every lawyer, as well as layman, would like to see eradicated. As soon, however, as you set about to do that you bring into the discussion all of the radical ideas, as well as all of the ultra-conservative ones. The adherents of those extreme positions will necessarily get into the lime-light, while the conservatives are little heard from. The result is, as may be easily anticipated, that nothing can be accomplished. The radicals wish to tear down the whole structure in order to make a few necessary repairs, while the ultra-conservatives do not even desire to make any repairs.

There is an unanswerable demand, however, for some reform—just how much or how little, probably no one person is able to say. I will give you my views for what they are worth.

I will name two evils which, in my opinion, need correction: First, antiquated forms of pleading; and second, delays in suits incident to unnecessary appeals.

The object of all pleadings, as common law lawyers usually state it, is to bring the cause to an issue. In doing so it necessarily follows, or at least in my view of the matter it should follow, that each party should be required to state the facts upon which he relies for a recovery or a defense, as the case may be, and state them truly. I believe one of the greatest evils that has grown out of the common law form of pleading is the rule of allowing a person to plead in

different counts inconsistent matter, and to have no requirements made upon him to plead only facts that in his estimation are true. It is very clearly illustrated in the criminal, as well as in chancery practice.

An indictment is found upon the oaths of the grand jurors, and you seldom find an indictment but what states the facts as the grand jury understands them to be.

A solicitor in framing a bill in chancery does not expect to gain much advantage by stating in his bill what he knows to be unfounded; but in pleadings at the common law what you may find in a declaration or in a plea is only limited by the imagination of the pleader. It does not seem to appeal to lawyers as being contrary to good morals to set up facts in a declaration or a plea which they know are untrue. The only consideration involved seems to be whether the facts stated constitute a cause of action or a defense, if true.

I favor, therefore, a modification of our practice act requiring the pleader in common law actions to state concisely and with substantial certainty the substantive facts necessary to constitute his cause of action, and to verify his declaration by affidavit of himself or agent, and that each plea shall state concisely and with substantial certainty the substantive facts necessary to constitute a defense, and that it shall be verified by affidavit of the defendant or his agent. This would do away with the common counts and all other fictions in our declarations, and also with the general issue.

Second—delays in suits incident to unnecessary appeals.

We ought to be fair enough with ourselves to admit when considering a system of procedure, that appeals are for the purpose of preventing miscarriages of justice, and not solely for delay, as some seem to think, or at least act like they so think.

One of the most prolific causes of error in a trial arises out of the instructions given by the court to the jury. Under the present practice, instructions are handed to the judge during the progress of the trial and usually after the evidence is in, and he has only a few minutes to consider which ones he will give and which ones he will refuse. He reads the instructions to the jury, and although he

may have committed palpable error in the giving of instructions, or in the refusing of some of them, the parties and their attorneys may sit by without saying a word, take a chance on the verdict, and if it is in their favor, all right—no harm done, but if it is against them they may then for the first time point out to the court the error, after it is too late to save a new trial, and if the trial court does not agree with them, take an appeal.

One section of our present practice act is responsible for that condition of affairs. In the Federal courts if a party or his attorney notices an error in the charge of the court, as it is being delivered, he must point it out before the jury retires; otherwise he can take no advantage of it on appeal, nor can he be heard to urge it on motion for new trial. Such a rule can do no one any harm. If lawyers who are familiar with their case, as they necessarily will be, cannot discover harmful error in the instructions of the court as they are being read, it is certainly true that a jury of laymen would not likely discover it, or be in any manner affected by it.

The section of our practice act in question is Section 74, and reads as follows:

“When instructions are asked which the judge cannot give, he shall on the margin thereof write the word, ‘Refused,’ and such as he approves he shall write on the margin thereof, ‘Given,’ and he shall in no case after instructions are given, qualify, modify, or in any manner explain the same to the jury otherwise than in writing. Exceptions to the giving or refusing any instructions may be entered at any time before the entry of final judgment in the case.”

The last clause of that section is the joker, if it may be so called. If it were changed to read, “Exceptions to the giving or refusing any instructions may be entered at any time before the jury retires, but not after,” the whole cause of our trouble concerning erroneous instructions would be, in my judgment, practically eliminated.

No doubt courts would sometimes fail to heed the objections of lawyers in thus pointing out errors, but it would result in the correction of a great many. Very few cases are reversed in the Federal courts on the ground of erroneous charge to the jury, and

the reason may be found in the practice there of requiring the lawyers to point out to the judges what is considered error before it is too late to make the correction without granting a new trial, or endangering the reversal of the case in the court of appeals.

I do not mean to contend that there are no other changes in the practice act needed than those to which I have referred. These are mentioned because I consider them of considerable importance.

The bill prepared by the Illinois conference committee on the reform of the law of procedure and practice, a portion of which committee was appointed by the executive committee of the State Bar Association, and presented to the Legislature at its last session, and known as Senate Bill No. 327, contains many carefully prepared provisions, which if enacted into law would meet the views of a large body of conservative lawyers of the state. Some of the sections may go farther than is approved by all, and in many ways it may fall short of what a great many desire, but taking it all in all it represents the consensus of opinion of the several members composing the conference committee.

I favor the amendment of Section 74, prohibiting exceptions being taken to the giving or refusing of instructions unless done before the jury retire, but whether that should meet with the approval of the majority of this Association or not, I advocate the endorsement of Senate Bill No. 327, by this meeting, with the recommendation to the next general assembly that it be passed.

THE PRESIDENT: Are there any other gentlemen who wish to speak?

MR. BUCKINGHAM: I desire to suggest that this motion to adopt the report of this committee, seems to me premature. This committee has had an opportunity of studying the practice act; they have had an opportunity of studying their theories and the theories of others as to amendments and changes that ought to be made in the practice act; they have stated in their report what changes, in their opinion, should be made. The lawyers here have heard that for the first time; they have heard the report read, they have heard the different changes that they think ought to be made. The lawyers ought to have an opportunity, as this commit-

tee has had, of studying this matter before they put themselves in the position of handing this report over to the lawmakers in the legislature for the purpose of enacting the amendments, and I believe, sir, that this report ought not to be approved now, but ought to stand open, and this discussion be continued at the next meeting of this organization, then the lawyers will have had an opportunity to look at this report and know what it means and what changes are suggested and the report as it now stands will not go as the statement coming from the State Bar Association.

I was somewhat embarrassed by a statement made in the last legislature—I was not in it, didn't want to be (laughter)—that the State Bar Association had endorsed certain changes to be made in certain bills. That was true, in a general way, but they had endorsed it without studying it, just as we are now about to do if we adopt or approve this report. The lawyers ought to have an opportunity of taking this report and looking over it and then making suggestions or answers to it. I am like my friend from East St. Louis, I believe the common law practice is good enough for anybody and if a lawyer is not lawyer enough to practice under the old common law system, then he is not a good enough lawyer to try cases at all. As he said, if he does not know what to put in his declaration, how is he going to know how to get ready to try his case? Let us be deliberate about this; let the lawyers have a chance to look over these proposed changes, look into them and prepare suggestions. I would like to. I think I could make a speech at the next meeting of the organization upon some points that would at least throw some light on the proposed changes, and I know a good many of the others could, and it is fair to them to allow that. I do not know whether this is going to increase litigation or decrease it,—I am in favor of that kind of legislation that will increase it. (Laughter and applause.) I have a very wholesome dislike and disgust for this idea of getting rid of some trial, or some new trial. Let them have their new trials and they will get more money. (Laughter.) There was a suggestion made here by the last gentleman that some change ought to be made about instructions, and he referred, as they always do, to the in-

structions in the Federal Court. If we had wanted instructions as they have them we would have had them that way long ago. We did not want them; we had them that way one time and we quit it. It is said that the judge has to pass on them in a hurry; that is all right. But when it comes time for the motion for a new trial he has abundant time to think, and the lawyers help him to think about it. (Laughter.)

I do not think we are now prepared to endorse the report of this committee, at least not so well prepared as if the matter would go over to the next meeting of the State Bar Association. (Applause.)

MR. RICHBERG: Mr. President, I have a word to say. It seems to me that with this beautiful warm weather that the time is now when this report ought to be taken up and discussed. We do not know whether next winter we will have as fine an opportunity as far as weather is concerned (laughter) because we can all become heated if it is necessary. I am opposed to the motion of the gentleman for the simple reason that if this is put over, as is usually the case, nothing is done; we do not know who will be present at the next meeting of the Association. The gentlemen who are here now and are informed would not be here and there would be just as many gentlemen who are not informed upon this subject at the next meeting as there are at this.

MR. BUCKINGHAM of Decatur: May I ask a question?

MR. RICHBERG: Yes.

MR. BUCKINGHAM: What are the changes proposed by this committee; can you remember them?

MR. RICHBERG: Let me answer that question, sir. If you and other members who are not informed had paid proper attention to the report of this committee, and attended the session of the Association as you ought to have done last February, at Springfield, and had read the two copies—two copies have been sent to you and every member of the Association since February—if you had read those you would have been fully informed. (Applause.)

MR. BUCKINGHAM: Do you remember them now?

MR. RICHBERG: I was present at Springfield and heard the

discussion and generally agreed with the members of the committee, too, in every respect—

MR. BUCKINGHAM: That does not answer my question.

MR. RICHBERG: —and so far as I am concerned, I am prepared to vote upon this question. I am not responsible for the gentleman not being present—

MR. BUCKINGHAM: Do you remember?

MR. RICHBERG: —and not having read the reports when they have been sent to him twice. (Laughter.)

MR. R. C. HERON: Mr. President: It seems that this committee are not wholly agreed about what they ought to do themselves. One member of it says that there seems to be a demand for reform, but he is not quite certain about it. The Bar in this state are not certain whether there ought to be any additional reform or not, and from the discussion, and the liberality with which our Supreme Court are disposing of technicalities, why, it does not seem that we ought to take up very much time trying to introduce innovations into the code of practice. And there is one thing about it that I do not agree with, I do not know how the balance of the Bar are on that subject, and that is, that you must verify your declaration by affidavit. Gentlemen, we have too many laws in Illinois now that require a fellow to swear every time he goes into court and turns around. (Laughter and applause.)

Reputable lawyers, lawyers generally, attempt to prepare their pleadings and to state the cases as they are, otherwise they do not go into court, and neither they nor their clients ought to be required to swear to their pleadings, to the declarations nor to the answers. Gentlemen, we know that the common law is a system of growth, it is growing, we are gradually getting rid of excrescences and getting down to the proposition where if we have a defense we can, in time, get it to the court and get substantial justice, and the people of the state of Illinois and the members of the Bar will not suffer if we never hear another thing about this report. (Applause.)

MR. E. C. KRAMER, of East St. Louis: I am of the opinion

that it is about time for a reformer to take a part in this discussion. I do not like one impression that seems to prevail here; that is, that it is only the poor lawyers who advocate reform in our procedure. It seems to be the opinion of some of the lawyers here that only those who advocate reform are those who have had trouble with the common law mode of procedure. This is a mistake. I am rather of the opinion that those who oppose any reforms are those who fear they are incapable and never will be able to understand the amendments. (Laughter and applause.) You talk about the common law procedure being a system of growth—it is a relic of the past. I remember quite well when Lord Coleridge visited this country some years ago. He had taken an active part in the reforms of procedure in his own country, and while in our own state we entertained him in Chicago at a banquet. Our late Chief Justice Fuller, in introducing him, told him that he might be interested in knowing that in the state of Illinois we were preserving the common law procedure, more in its original purity possibly than any other state in the Union. Lord Coleridge in reply said: "I suppose you are using that state of Illinois for preserving the common law procedure somewhat for the same reason that you use your national park for preserving the bison and the grizzly bear."

Gentlemen, there are a great many ridiculous things in the common law procedure—and I have not had serious trouble myself in pleading, either. I have often filed a dozen special pleas in a case simply to worry, annoy and confuse some young advocate who happened to be my adversary: it was not what I thought ought to be done, not any views of what the procedure should be, and because our procedure permitted these tactics I like all other lawyers used them. I never believed that they tended at all to the administration of justice.

The mode of procedure, gentlemen, ought to be such that any intelligent layman or litigant who happened to be in the court room and heard the pleadings read on an issue for adjudication, would know what the issues were. After he sits there and hears an argument upon the declaration, the demurrer to it, then some special



pleadings and demurrers to them, and then rejoinders and surrejoinders, and rebutters and sir-rebutters he goes out and asks his attorney what on earth has been taking place. He knows nothing about the issues of the matter that he has placed in the hands of his attorney for adjudication. He will hear a declaration about one having casually lost something and somebody having found it, and an issue made upon that in a case of trover, and how ridiculous it all appears to him. He will walk into court and hear the common counts read, the most ridiculous proceedings that were ever instituted in a court of justice, telling him what he is sued about, and they have nothing to do, so far as he knows, about the matter submitted for adjudication. How simple it would be for the plaintiff to plainly state, as this reform measure of ours says that he should, what his cause of action is; then the defendant, if he has a defense, to concisely and plainly state what his defense is. Filing a plea of not guilty—what does that amount to? Nothing at all. People should come into a court of justice and try their cases above board, lay their cards upon the table, in the trial of their suit. That is what ought to be done. (Laughter.) Gentlemen, we want to get rid of this folly, it is not the proper method of forming issues in suits at law. I find that some of these olden lawyers who are going to the judicial mill carry the grist in one end of the bag and a stone in the other because this is the way their fathers did. They are doing it simply because that is the way their fathers went to mill, and they fear that no improvement can be had in our procedure. We seem to be wedded to common law of England, the country that abolished it absolutely and today has the most simple method of procedure of any country on the face of the globe. If we desire to follow in the footsteps of England we would better follow her in her reforms. We are both possibly technically correct, but it is a mighty good place for us to go when we want to get something good.

Why, gentlemen, to my mind, our method of instructing a jury is the most ridiculous proceeding that can possibly be imagined. I do not know, but I think if I were to sit down and try to conjure up and bring to my mind some absolutely ridiculous

thing, some silly thing, I could think of no more ridiculous, no more silly thing than our method of instructing a jury. Why, think of it! I sit down in the trial of a case and I write ten or twelve instructions; my opponent sits down and writes ten or twelve. I am presenting the law in one way and he is presenting it in another way. These apparent inconsistencies are handed over to laymen to solve and to try and find out what the law is. Why, we are away behind the times. Nearly all the states in the Union are making progress in procedure like they are making progress in everything else. They have the judge write in a narrative, consecutive form the charge to the jury and then read it to them, and that is the way we ought to instruct the jury. There ought never to be instructions read to a jury in the manner that we do. You say you object to the Federal method. The only objection on earth there could be to the federal method of instructing is because the instruction is given orally. Let the charge be written out; no objection why attorneys on either side cannot hand their instructions or suggestions to the court to be incorporated in the charge, none at all; and exceptions may be taken if he does not incorporate such principles of law that ought to be in the charge, but when it is read to the jury it ought to be read to them so that it has some sense, so they can understand it and know what the court is talking about. They never have any trouble in the federal court; they know what the judge is saying and know what he means, but they cannot understand our conundrums and apparent inconsistencies.

A MEMBER: What does this report want us to say in reference to instructions—were they recommended?

MR. KRAMER: The report is silent on that question, but that question has been up in our proceedings, and I want to say—

MR. GRAY: Has it been discussed?

MR. KRAMER: Yes, we discussed it at the February meeting, and I want to say now that I promise the Bar Association that when the next legislature meets and this matter comes up I will go there in person and have the procedure amended on the instructions, if I possibly can.

MR. KRAMER: I believe my time is up, Mr. President.

MR. DAUGHERTY: I don't know; I know the gentleman is an attorney. We have different kinds, but I will bet—I would bet, but it is against the law. But I would venture an opinion that he is not in favor of juries at all, he is a corporation lawyer, I will bet anything.

MR. KRAMER: You are mistaken about that.

MR. DAUGHERTY: He wants the federal way of instructing juries incorporated here and he is going to the legislature to have it done. That has been tried for time and eternity by every corporation lawyer that has been down there (laughter), and unless he has better luck than they have had before he will not succeed. The fact of the matter is he is speaking about the best jurisdiction on the face of the earth. I came from a country that was run by that special jurisdiction, the English Judicature in Ireland. They can hang them whenever they please over there. In 1901 I sat alongside of a judge over there for about two hours and a half, at an afternoon session, and they turned eighteen tenants out of their holdings in that time? Before the judge got through you know what that jury had to do—they had to do just as he wanted them to. You turn everything over to the judges and you need not have any legislature. I am not saying anything against the judges as judges, and their integrity; we have superior ones in this state. they are superior as a general thing, but we have legislators that go down there and they know the wants of the people; and it is not one man but a dozen and a hundred men that are looking after it, and they know that our jury system is crippled just as much as possible.

Mr. Edgar A. Bancroft was telling how he went down to try a case for the National Harvester Company in Kentucky. Court opened and the judge sat up; he said: "Gentlemen of the jury I want to instruct you." He instructed them and then he said: "Now I come to the greatest and the last thing. We have a lot of corporations violating the law all over the United States, and one of them is this Harvester Company; they come down here imposing on the people; I want you to look after them if they are violating the laws of the state." Bancroft began looking for his hat. But he wanted

to take a change of venue from that man and suggested that he was prejudiced. The judge said: "No, I am not any more prejudiced than what is necessary." (Laughter.)

Now I do not think that all there is in that bill that they want us to endorse this afternoon has been read to us by this committee. Our county bar association took that bill up section by section and they turned pretty near all of them down. Now there are some of these things that I would be in favor of and some I would not. I think this is not altogether because a lawyer meets an obstacle, as my Friend Campbell, whom I know very well, said. I know that it is not because he has met an obstacle, but he often sees those obstacles and seeing them, of course he draws his conclusions. Now the last gentleman who spoke says you should lay your cards on the table. Let me tell you of a case. I was not in it. A man was run over by our interurban car and his arm was crushed. They tried the case and he obtained \$12,000 damages and the judge set it aside. They tried the case again; the pleadings were that he was hurt at Simmons and Prairie streets. When the case came up they had ample proof that he was hurt around on Prairie Street, and for that reason there was a peremptory instruction. Now, if you lay your cards before a good many of these corporation attorneys, if they cannot get it one way they will another. They never put their cards down till they get through. Now, there are times when you ought to keep something to yourself and not be compelled to turn it over to the other man so that he may be able when he has got the means behind him, of seeing that his evidence will beat that case whether it is right or wrong.

MR. GRAY: I feel after listening to six or seven of these lawyers talk that my partner over there, Mr. Buckingham, was right in asking my friend Mr. Richberg if he knew what he wanted to adopt. My friend Mr. Kramer made most of his speech on instructions to juries. That is not in the bill; the committee turned that down and they were right about it; and Mr. Kramer, as my friend Mr. Daugherty here said, will go to the legislature a good many times before he will get them to pass a bill that will make a man object when they are reading instructions, and some-

times they are not very well read by the judges, either. You have to be a pretty shrewd fellow to listen to another man read instructions and be able to object to them and assign an intelligent reason in support of the objection. I want to read them, too, before I object and I would like to have a few minutes to do it in. If a lawyer hands up instructions that are not the law he ought to be the one to suffer for it. I was one of the two men of our Bar Association appointed with these fifteen to help draft this, and it has been changed so many times that I do not remember myself, all that is in that bill, and I have been following it very closely. I knew Mr. Richberg wouldn't be able to answer the question put to him by Mr. Buckingham. There are not three men in this room right now that know what is in this bill, and they are asking us to adopt it and we do not know what we are adopting. I do not believe in voting for something and not know what I am voting for. I am ready to vote. I am for most of the things in there. I won't throw my hand on the table. Mr. Kramer has been to the legislature and he is talking about stud poker, but he does as they do in that game, they hold one in their hand, they hold the joker. You can bet a million on Kramer always holding the joker.

You are not ready to vote on this report until you have read it. The committee did not recommend all of the amendments; they had a million at the start, not quite as bad as the Gilbert bill which had twelve or fifteen hundred pages that the Supreme Court could not construe in twenty years. But there are some good amendments and I think that is a pretty good bill, and rather than not have any legislation, I would vote in favor of it. But we cannot go to the legislature now till a year from next winter, and we will have another meeting next year and these gentlemen, with their great learning, may change it again before that time. Mr. Kramer might get them to put in a recommendation about instructing juries, so why hurry about it? I would like to keep that committee of fifteen busy and see if they cannot still correct it,—we have corrected it every time we met. I do not see why it should be voted on now, as they cannot hand it to the legislature, as I say, for a year and a half, and why adopt it now? Let

us keep on working on it, we will get a pretty good bill before long. If you want us to vote now, get up and read it section by section. I am ready to vote on it, and I think my partner, Mr. Buckingham, over there would be ready to vote on it. He has read the bill and has been to the meetings, but he has forgotten what there is in it, so have I. They have cut so many things out and put so many in that we cannot remember the bill unless we have it read. I think we ought to have it read. If I had not asked my friend Kramer whether instructions were in that bill, you would have thought they were after hearing him talk, and every one of us would vote against that. His partner ought to take him around the corner and talk to him just like I would my partner if he were not right. So let us have that whole thing read if you want us to vote on it.

MR. MACCHESNEY: Perhaps as much time has been taken up by this discussion as is advisable before a vote is taken, but I hope very much that a postponement will not be had upon the vote on this bill. In my judgment if we get the legislation which it is necessary to get we will have to have some definitely formulated plan which can be taken up at the leisure of the committee and presented to the various members of the legislature in order that it may be fully understood and every one realize just what is in the bill, and in that way we have some hope of passing it. This conference bill is not a reform measure at all;—as a matter of fact, it is a back fire, and every man here knows it. The trouble with the Bar has been that they have not taken enough interest in this subject. We sat around the table, Mr. President, in Chicago there several years ago and did not think anything was necessary, and the result was a man went down to the legislature who was an enthusiast on this thing and had brains and initiative, and he said if he could not get the lawyers interested he could put it through with the farmers, and there were only about thirty lawyers, anyhow, in the legislature and they did not count much. That is just the trouble, while we are arguing whether or not we will do this thing or the other the public has become so dissatisfied that they are going much farther than the most radical lawyer in this room would be willing to go.

MR. DAUGHERTY: Will the gentleman allow me to ask a question? Whereabouts are they taking such extreme measures as you spoke of just now?

MR. MACCHESNEY: As what?

MR. DAUGHERTY: Where do the public becomes so agitated over this thing?

MR. MACCHESNEY: I will answer that. The Gilbert bill passed the senate and I believe it would have been favorably considered in the house if it had not been killed by Chairman of the committee, Lee O'Neil Brown. The fact of the case is it was referred to a sub-committee of the House expressly appointed by Mr. Browne to kill it, if I am not mistaken; if I am Mr. Daugherty will correct me.

MR. DAUGHERTY: I did not see anybody get on fire over it.

MR. MACCHESNEY: It was referred to the house committee and there were a large number of men in the house who were in favor of it.

A MEMBER: Chipperfield was the man in favor of it in the last house, not Brown.

MR. MACCHESNEY: I am speaking of two years ago; it was referred to a committee, and the committee that actually considered it was headed by Mr. Lee O'Neil Brown; and Mr. ApMadoc, of Chicago, got up and moved that the Gilbert bill be referred to a sub-committee of five for investigation and report, and that motion was carried in committee and Mr. Brown called Mr. ApMadoc to him and said, "You are against this bill?" And Mr. ApMadoc said, "I do not know, I have not read it over, I have not considered it." If he had I do not think he would have been in favor of it. And Mr. Brown said, "That will not do, I will not appoint any man on that committee who will not pledge himself in advance that he is going to kill the bill." That committee was appointed in that way and the bill was killed in that way, and it is a good thing, if the Bar of this state issues something different, that it was. While I do not believe in that method of handling legislation, I say, because of the inertia of this Bar, if it had not been handled in such way it might have gone through.

MR. ROBINSON: I wish you would advise us how you are going to get this bill into the hands of the legislature that is to be elected a year from this fall, before the next meeting of this Bar Association next June?

MR. MACCHESNEY: I will answer that. Every man in this room who has taken any interest in legislative matters knows probably half of the men who will be in the legislature at the next session. My friend Mr. Daugherty will be there; two-thirds of the men of Chicago who were in the last legislature will sit in the next.

MR. DAUGHERTY: I do not wish to go there any more, I have had enough of it. (Laughter.)

MR. MACCHESNEY: The fact of the case is we probably know seventy-five per cent of the men who will be there; they can be seen and talked to and all the suggestions gone into and they can consider it fully. If you wait till every man has read the bill and considered it and knows all there is in it and every proposition, and all about it, and its bearing, we will never have any legislation by the lawyers, we will have it by the farmers of the state, and it will serve us right if we do not evince more interest in the subject than our action to date would indicate.

MR. DAUGHERTY: Do you imagine a man ought to vote for it when he does not understand it?

MR. MACCHESNEY: I do not think a man ought to vote for it if he is against it. But I do say this, that in a body of this kind, where a matter has been considered year after year by competent committees and discussed in the body as a whole, that if a man has failed to properly inform himself when adequate time has passed, it is his duty to sit quiet and let the men who know about it vote on the subject. That is my answer to that question. And I am not here speaking in favor of this bill, either, because I cannot take care of myself under the present system, but because I think I and my office can do it. Some of my associates have said, "Why do you take such an interest in this thing, we have got the best of the other fellow under present conditions?" I do not think that is the attitude for a progressive lawyer who has the interests of his com-



munity at heart to take. I believe the men who can take care of themselves under present conditions are the men to see that justice is done to all men. (Applause.)

Mr. Campbell referred, in his very able remarks, to a recent decision of the Supreme Court of this state, the *People v. Cleminson*. I could not gather quite whether he was criticising the court or whether he was commending it. It is perhaps an admirable attitude for a lawyer to take in his remarks in reference to a Supreme Court decision. (Laughter and applause.) I do want to say that the courts of this country from Maine to California have been criticised because they have reversed decisions upon technical errors which had no relation to the merits of the controversy until it has become a public scandal, and I want to take occasion to say right here and now that I am proud of the fact that our Supreme Court has deserved commendation along this line. From this decision I am going to read from just one paragraph:

*"Errors in the admission of evidence having no tendency to prove the crime charged but only to show that the accused was an immoral man and guilty of criminal practices in his profession is not ground for reversal, where the competent evidence in the record so conclusively establishes the guilt of the accused that there is no room for reasonable doubt."*

And I believe that to be the correct rule and I am proud of the fact that our court has restated it and that it is not a radical doctrine pronounced by agitators and radicals.

MR. DAUGHERTY: Has not that always been the rule of this Supreme Court?

MR. MACCHESNEY: I think it is the rule of this court, but there has been some question about it. I do not know what the judges in this case dissented upon, whether it was upon that point or not. But it has not been the rule in all states and it is well to have it understood that it is in this state. The Supreme Court of Missouri reversed a case where the sanctity of the home was involved because the word "the" was left out,—*"Against the peace*

and dignity of 'the' state of Missouri." Thank God we have not got into that condition in our Supreme Court.

I want to say that the proposition about reversal which Mr. Campbell referred to is not radical. In my judgment it might be well if the conference report went further, but certainly no man who believes in progress at all could object to the present provision. I had the honor of speaking at a dinner of the Bar of New York, with President Taft, at which he stated that he believed the rule should be that there should be no reversals for technical error unless it should be affirmatively shown that the error resulted in a miscarriage of justice. And I take it he is not of that class of incompetents who know nothing about actual practice of the courts or what should be done. And more than that, the Congress of the United States at its last session passed that rule so that it is now the rule of the Federal Courts. That is more radical than the proposition of the conference committee.

I read the Gilbert bill through, *clear* through. (Laughter.) and applause.) I did it because I got tired of hearing men say that they were not ready to discuss this proposition, and I read it on trains and at various spare moments going back and forth, until I got through with it, and I think I know what it is about. Mr. Roscoe Pound, now of Harvard University, and myself, wrote the first articles in this state, so far as I am aware, attacking the principle upon which that bill was drawn and urging that the bill should only be sufficient to preserve the fundamental rights of the parties; that it should leave all the minutiae to rules to be passed by the Supreme Court. Now, I have not taken any part in this discussion at the conference, I have been interested in it, but unfortunately I have been so tied up with other matters that I have not been able to be present or take part in it, but I believe it to be a conservative, progressive measure, which is the least this Bar can afford to endorse, and I want to reiterate again that in my judgment it is not a reform measure. I do not like reforms any better than my friend Daugherty does, unless they are absolutely necessary. This is a back fire. It is the least possible which a conservative Bar which believes in progress at all can

endorse to meet the legitimate public demand for a change in conditions which are not ideal. And unless we can go at least this far, in my judgment the public will go much farther on much less information and much less knowledge than the least informed man in this room possesses. I hope we will vote on this conference bill to-day, Mr. President, and favorably. (Applause.)

MR. MILLER: I would like to make one suggestion, and that is that I have sufficient confidence in the committee that was appointed to pass on these matters and present them; but that if the legislature were to meet before this Bar Association would again meet I would be in favor of voting for this bill, but inasmuch as it does not affirmatively appear that the Governor is going to call in extraordinary session of the legislature for the purpose of passing some measure of this kind, and it does not appear that it will again meet until this Bar Association can meet, and also inasmuch as it does appear that each time this committee has had hearings upon these various propositions it has amended and added to and changed the various provisions that we have had heretofore, that there may be, and probably will be other provisions that it will be deemed advisable to pass and put into that bill at the next meeting of the State Bar Association, and therefore, if we should pass upon this at the present time and deem it of importance to further amend it,—make further suggestions or changes in the provisions that are approved to-day, then the legislature would be presented perhaps with two bills from this same State Bar Association and would naturally come to the conclusion that the State Bar Association itself does not know what it wants. I think it therefore proper that the matter should remain as it now stands until the next meeting and then we can pass upon it and present it, finished, to the legislature when it meets the next time.

MR. WILLIAMS: It occurs to me that it is due to the gentlemen of this committee who have accomplished so much that we adopt their suggestions to-day. It will not do to say that maybe in a year some other amendment will be suggested. If it shall be that can be presented to the legislature. But we have had this

matter fully considered and I think we should adopt the suggestions of the committee.

MR. TOLMAN: You gentlemen have got a long way off from this report. This report does not ask the Association to approve the conference bill as drawn and reported. It commends that bill in part, criticises it in part, specifying the criticism, and recommends portions thereof, but does not recommend the adoption of the language of that bill. The first recommendation is that "its said bill (Senate Bill No. 327) be considered and discussed by this Association and referred to its next Committee on Law Reform for the purpose of framing and reporting to said conference such amendments as may be deemed advisable."

MR. LONGNECKER: I wanted to move that as each recommendation is read that it be considered as adopted unless objection be heard. I make that as an amendment to this motion, that as the recommendation of this committee is read it be considered adopted unless objection is heard.

MR. TOLMAN: I am trying to get this information out, because all of us are a little wrong. There are several recommendations here, the first is as I have just read it.

MR. RICHBERG: Are we not ready to vote? I am for the proposition that you have read. Now then take up the others and get a vote on each one or refer it. I am in favor of that recommendation.

MR. PRESIDENT: Major Tolman will proceed and read the recommendations through.

MR. TOLMAN: The next proposition is the first proposition of the American Bar Association that you are all familiar with, or ought to be, that a practice act shall consist of a short act which lays down general principles and that all details are to be taken care of by rules of court, and recommends that that be submitted as a fundamental proposition of any procedural reform.

MR. ROBINSON: I would like to ask if that is intended to give the Circuit Courts the right to fix the term of the court. That is the impression that we had at the time that it was up before

our County Association, and that is the reason we proceeded to undertake to tamper with it.

MR. TOLMAN: The legislature has dealt with terms of court and therefore the courts cannot now make rules on that subject. The conference bill did give the court power to fix, if they saw fit, intermediate return days, but did not require it to be done, but that is not this proposition. This proposition I am reading now is the enunciation of the general proposition that you ought to have a short bill dealing with the general principles and leave the details to the court.

The next recommendation of this report is in regard to the subject of pleadings. After reciting the American Bar Association's proposition number three, that pleadings should not set out the cause of action, but should simply give notice, it states that the conference bill declines to follow that suggestion, and the conference bill adheres to the common law system in general, with only this modification that it requires the pleader to set out the real facts in issue and the real defense, and abolishes the fictions, and the recommendation here is in these words:

"Without expressing any opinion at present upon these matters of detail, your committee now recommends the work of said drafting committee";

you see, not the changes, but the work of the drafting committee "in regard to pleadings to this extent at least, that the system of common law pleadings should be retained but should be so assimilated to the system which now obtains in equity that the pleader should be required to plead his real cause of action and his real defense and that all mere fictitious averments should be abolished."

The next recommendation follows the fifth proposition of the American Bar Association, namely:

"The equitable principle of complete disposition of the entire controversy between the parties should be extended to its full content and applied to every type of proceeding."

This report says:

"Said bill works out in a manner which seems to this committee to be satisfactory and admirable for some of the most im-

portant phases of this general proposition. It deals satisfactorily with the allied problems of non-joinder of parties, provision for making new parties, rendering judgment against less than all of the defendants and in favor of less than all of the plaintiffs, and in dealing with costs in case of misjoinder or unnecessary joinder."

Now, I do not know but what that language perhaps was inadvertently made broad enough to commit the Association to the provisions of the bill in that respect, and that being so, let me tell you what the provisions of the bill are in that respect. We already have a provision in the existing Practice Act, by which we can take a case and transfer it from the law docket to the equity docket, and from the chancery docket to the law docket. The conference bill provides, in the form of an amendment to said provision of the Practice Act, that in making such transfer you save all proceedings that were had before in the case that could be saved. And also that if a case was tried by a court without a jury—this is in substance only—he might apply to the case those equitable remedies that are applicable to the trial of the case upon facts proved and pleadings filed before him. Now, I do not want to take time for discussion, but that principle is merely an enlargement of the present provision and does not in any way interfere with the right of trial by jury and does not apply to cases tried by a jury but only to a case where the court sits, so the court, instead of having to get up out of his chair and walk around it and sit down again in order to make himself a chancellor if he has been sitting as a judge in a court of law, may at all times exercise both powers which he has, when he is sitting without a jury.

The next recommendation is the sixth proposition of the American Bar Association:

"So far as possible, all questions of fact should be disposed of finally upon one trial."

This report calls your attention to the fact that the conference bill makes two propositions, one that if a doubtful point of law arises on the trial of a case at law before a jury, instead of having to make a guess on that point of law and rule on it, the court may reserve that point and go on with his trial, and submit

his case to the jury subject to the reserved point, and then, on motion for a new trial or on appeal, without the necessity of an additional trial of the case that a judgment may be rendered either on the reserved point or on the verdict, according to whichever is right; so you have got before you at one time and on one trial the right to render the judgment that is appropriate on either view of the proposition of law.

And one other proposition, namely, that the jury might be directed to compute the damages on one theory or it might be directed to compute damages on another theory and submit alternative verdicts where the method of computation depended upon the necessary application of controverted principles of law, so that you might have before you two verdicts on either one of which the judgment could be rendered. Both of these systems are in full force and effect in Pennsylvania and other states.

As to the sixth proposition of the American Bar Association this report does not recommend the adoption of the language of the act in that respect, but says: "Your committee commends the manner in which this subject has been dealt with in the bill above referred to." And the report commends the action of the Drafting Committee in declining to accept the proposal of the American Bar Association for making additional proof in the Supreme Court on appeal in order to cure some error that was made on the trial, and on the inadvisability of granting a new trial to try a case only as to the part of it that was affected by error. For instance, suppose an error is committed in a certain case that affects the amount of the verdict only; the recommendation of the American Bar Association is that if it is reversed, try it over again merely to assess damages, but no question of liability to be considered. This report commends the action of the conference committee in declining to follow that recommendation.

Now, there is no recommendation on the question of instructions; there is no recommendation on the phraseology of the rule against reversal for harmless error. There is seemingly quite a conflict between two different types of mind on the question of harmless error, and when you analyze it, it is nothing in the world

but a difference in stating one identical proposition, and therefore, this report does not deal with it. We all think cases ought not to be reversed for harmless error. But the profession is divided as to where is the presumption. Some contend that the presumption is that the moment error has been committed it is harmful, and that this presumption ought to be overcome by proof that it does not hurt anybody. Others insist that the presumption should be that the error hurt nobody and it is only to be overcome by proof that it is prejudicial to somebody.

On the subject of instructions this bill merely provides that the parties shall go into court with the judge and discuss the instructions before they are given to the jury. This Association most effectively discouraged the conference in adopting the provision that they had submitted that there should be a time fixed for instructions, just as there is a time fixed for demurrers, beyond which you could not make objections. There seemed to be so much objection to it that the conference bill eliminated from its final draft the provisions referring to that and left the statute as it is, so this report does not commit this body to any position on that subject.

Now the next recommendation of this report is that the question be taken up immediately of seeing what you can accomplish before the session of the legislature, by improving the rules under which you are now working. Judge Wood asks me if this report takes up the question of verified pleadings. It does not; it particularly suggests that that matter be reconsidered and that you consider whether or not you shall not change the conference bill in that respect.

**MR. ROBINSON:** Do I understand that the approving of this report does not commit this Illinois State Bar Association to the bill that has been drafted and was submitted to the last legislature, or that it does?

**MR. TOLMAN:** It certainly does not commit this Association to the bill as introduced; it does not commit it to the language that was employed; it does commit it to the general principles that I have been attempting to state here for the last ten minutes.



MR. ROBINSON: And suggests it be referred to a committee of like kind for further amendments?

MR. TOLMAN: Yes.

MR. EPLER: Does this bill now require the declaration or the plea to be sworn to any more than the statute does at present?

MR. TOLMAN: Oh, yes.

MR. EPLER: That is a point I want you to state clearly. Is that in your report or in the conference bill?

MR. TOLMAN: That is in the conference bill, and our report doubts the propriety of that provision and suggests that perhaps that difficulty might be solved by adopting the rule in equity, to reply by oath to a sworn pleading if the oath is not waived, but does not even submit that as anything more than a mere suggestion. It binds this Association to nothing whatever on the subject of whether or not pleadings shall be verified.

MR. ROBINSON: For the purpose of getting it before the committee to which this matter is to be referred, as a member of the Bar from down in the bushes, I want to interpose an objection to that section of the bill that was introduced in the legislature which gives every Tom, Dick and Harry the right to serve process out of the Circuit Court and make his return by filing an oath to it. Knox County is pretty hard up, I do not believe we could raise money enough to build a jail——

THE PRESIDENT: Mr. Robinson, the report of the committee, if you will remember, recommends that that provision be eliminated.

MR. ROBINSON: I understand the report of the committee does, but I was simply making this suggestion.

THE PRESIDENT: When we adopt the report of the committee, if we do, it will accomplish your very purpose.

Calls for the question.

MR. BUCKINGHAM: I know I cannot make another speech, I do not care to, but I would like permission to ask a question, may I have it?

THE PRESIDENT: Ask it.

MR. BUCKINGHAM: I want to ask you lawyers if you would

not like to have an opportunity to read this report over for yourselves before you vote to adopt it?

Calls for the question.

MR. RICHBERG: I would like to answer the gentleman's question.

THE PRESIDENT: Answer it.

MR. RICHBERG: If you will adopt this report and entertain it now then you will have the opportunity to read it, because we print it in the proceedings within the next six months, and before the legislature meets we can make whatever amendments we want.

MR. BUCKINGHAM: If the Chair will permit me to answer that gentleman, I can do it. (Laughter.)

THE PRESIDENT: Answer him.

MR. BUCKINGHAM: I do not see any necessity of being in a rush about this thing, when we have so much time.

Calls for the question.

THE PRESIDENT: Before the vote is taken the Secretary will read the list of authenticated delegates, outside of the members of the Association who are entitled to vote.

The list was read by the Secretary.

MR. GRAY: I asked a minute ago,—I thought we were voting on this bill before the legislature. Since we are only voting and recommending and not binding ourselves I think it is the nicest whitewash I ever saw and we ought to make this unanimous in favor of adopting the report.

Calls for the question.

THE PRESIDENT: As many as favor the adoption of the report of the committee will say aye. The contrary minded will say, no.

MR. BUCKINGHAM: No. (Laughter and applause.)

THE PRESIDENT: The report is adopted. You will not forget the entertainment by the Champaign Bar Association for this Association to-night at eight o'clock at the Elks' Club Rooms in Urbana. You are now adjourned until ten o'clock to-morrow morning.

Whereupon an adjournment was taken to June 23, 1911, at ten o'clock A. M..

FRIDAY, JUNE 23, 1911.

The Association was called to order at ten o'clock, the President in the chair.

THE PRESIDENT: I desire to repeat the suggestion of yesterday, asking pardon of the ladies, that if any gentleman present desires to take off his coat on this occasion he is entirely welcome to do so, and try and make himself perfectly comfortable. (Applause.)

MR. GEORGE T. PAGE: Why don't you extend the invitation to the lawyers? (Applause.)

THE PRESIDENT: I thought I had. Ladies and gentlemen of the Illinois State Bar Association, the guest of the day is a citizen of no mean city; it marks the spot where Lord Baltimore planted one branch of civilization on the western continent; it is the metropolis of a state that some of us here present are glad to call "My Maryland." One of her favored sons comes to us with a quiver full of honors; in ancestry he connects a strenuous present with a strenuous past; as a member of the Bar he has won his spurs by strenuous effort and manly work in his profession and gained the position of chief law officer of this nation, and has served his nation with honor and distinction. (Applause.) It gives me pleasure, therefore, on behalf of the Illinois Bar Association, to extend to him greetings and our hospitality, to thank him for making a long journey from tidewater to the valley of the Mississippi to address us this morning. I present to you Honorable Charles J. Bonaparte, who will address you. (Applause.)

MR. BONAPARTE: Mr. President, Ladies and Gentlemen: In view of the very flattering though kind introduction I have just received, I feel that I ought to say something before commencing the saying of what I came here to say. But in view of the warmth of the weather, corresponding to the warmth of your salutation, and of the fact that my manuscript looks a little formidable for this state of the temperature, I will confine myself to thanking your President for what he said, with the accuracy of most lawyers (laughter and applause); and to imitating those great and well

known, and whom I may fairly call celebrated prevaricators, Messrs. Dodson & Fogg, by looking as virtuous as I can. (Applause.)

The address will be found in Part II.

**THE PRESIDENT:** Through a misapprehension there will be no report of the Committee on Professional Ethics. The next matter of business is the report of the Committee on Judicial Administration, by Mr. Carl Epler, of Quincy.

The report is as follows:

*To the President and Members of the Illinois State Bar Association:*

**GENTLEMEN:** Your Committee on Judicial Administration begs leave to submit the following report:

Inasmuch as the report and suggestions of the Committee on Judicial Administration submitted to our Association at its meeting in Chicago, in June, 1910, was then postponed to this meeting of the Association for fuller consideration, it does not seem expedient or appropriate for our Committee to make an extended report at this time.

The proposed changes in the Judicial Administration of Cook County cannot be made without an amendment of the State Constitution. The amendment suggested would give to the Legislature full power and control over the creation and organization of the Courts of Cook County, etc. Such amendment, if adopted, might be construed to confer power on the Legislature to provide that the Judges in Cook County should be elected by the people, as now, or that they should be appointed in some other manner.

The Illinois Constitution of 1870 provides for the election of all judges by vote of the people, and we should recommend no amendment that involves or permits a departure from that principle. Nor would any amendment that did not contemplate a popular election of judges stand a chance of being adopted by the people.

We favor the nomination of candidates for Judges by Bar Associations, and the placing of their names upon the official ballot along with other judicial nominations, especially in the more populous districts of the State. It would keep up the high character of the Bench for its occupants to be the choice of the Bar as well as of the people.

In our State judicature, the terms of nine years for Supreme Judges, of six years for Circuit and Superior Judges, and of four years for Probate and County Judges, have worked well in practice, and have been generally satisfactory. The salaries of Supreme Judges, and also of Circuit and Superior Judges, have in recent years been suitably increased. We favor such legislation as will assure adequate salaries for our Probate and County Judges. Judicial positions will not command

the best legal talent unless they pay at least as much as the incomes of successful lawyers in active practice.

In view of recent decisions of the Supreme Court holding unconstitutional the statute giving supervision over testamentary trusts to County and Probate Courts, we suggest an amendment to the State Constitution that would enable the Legislature to confer such jurisdiction upon Probate Courts as well as upon County Courts.

As is evident, material improvements in the Judicial Administration of this State cannot be made without amending the constitution of 1870, and it is to be regretted that the General Assembly has no power to propose amendments to more than one article of the constitution at the same session.

Respectfully submitted,

CARL E. EPLER,

*Chairman.*

CHARLES J. SCOTFIELD,

HARRY HIGBEE.

*Of Committee.*

All the Committee signed the report, except Robert H. McCormick, who was in Europe, and Hon. John P. McGoorty, who did not attend the meeting.

Hon. Albert M. Kales, Chairman of the Committee on Judicial Administration for 1910, has outlined a proposed Judicature Act for Cook County, suggested in his Committee report of last year, in the Illinois Law Review for December, 1910, and January, 1911.

The act he suggests would consolidate the courts and judges, and provides that a Chief Justice, elected as such for six years, and as a judge during good behavior, should appoint all the other judges in Cook County during good behavior, that is, for life. The statute he proposes is modeled on the English Judicature Acts.

In England, the King is considered the fountain of Justice. The Lord Chancellor of England is appointed by the King's delivering to him the great seal, and the Lord Chancellor, who changes with each administration, appoints Justices of the Peace and other judges except the judges of the Court of Appeal, whom the Prime Minister appoints.

In the United States, the principle is that the sovereign power resides in the people. Nowhere is the power to appoint judges delegated to any Lord Chancellor or Chief Justice.

In the Colonies, the Governors, as a rule, appointed the Superior Judges, except in Rhode Island and Connecticut, where the Legislature elected them. After 1776, the states of Virginia, New Jersey, North Carolina and South Carolina also vested the appointment of judges in the Legislature. Massachusetts, New Hampshire, Pennsylvania, Mary-

land and New York gave such power to the Governor with the consent of the Council. Delaware gave the appointment of judges to the Legislature and the Governor, and Georgia alone provided for election by the people. New states organized after the revolution required their judges to be elected by the people. By its new constitution in 1846, New York made its judges elective, and so did Pennsylvania at an early day. Now, in thirty-one or more states judges are elected by the people, and in five, Rhode Island, Vermont, Virginia, South Carolina and Georgia, they are elected by the Legislature. In eight states, Massachusetts, Connecticut, New Hampshire, Delaware, Maine, Mississippi, New Jersey and Louisiana, the Governor appoints the judges subject to confirmation by the Council, the Legislature or one of the Houses. Popular election of judges has become a principle of our democracy.

Honorable James M. Bryce, from whose "American Commonwealth" the foregoing details are taken, praises the Federal Judiciary, who are appointed by the President by and with the advice and consent of the Senate.

"It is to be noted that Mr. Kales, in his plan, would have the Chief Justice of Cook County appoint all other judges during good behavior, on his own responsibility, without any confirmation being necessary, and without the advice and consent of any body of men.

Alexander Hamilton, while arguing that the President was better able to select capable judges than a body of men of equal or perhaps even superior discernment, conceded that the nominating of judges by the President would have the same advantages as appointing them, and that the required confirmation by the Senate would be a wholesome check on abuse.

In the Federalist (No. 76, p. 349), Hamilton says: "To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the president, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connexion, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration."

In these days, the election of judges by the people would be much safer than their appointment by a Chief Justice in Cook County. Railroads, corporations, the trusts and moneyed interests would seek to control the election and the action of a Chief Justice who had the power to appoint the judges of the State Courts of Cook County, Illinois.

Citizens have confidence in and are proud of the judges they elect.

With few exceptions, the voters select men worthy and competent to preside over the courts. In this they are assisted by a vigilant Bar, the press and public opinion, which, as Mr. Bryce says, "is stronger in America than anywhere else in the world."

"Aristotle tells us that Solon in Athens bestowed upon the people as much power as was indispensable, but no more; the power to elect their magistrates and hold them to accountability. If the people had had less than this, they could not have been expected to remain tranquil—they would have been in slavery and hostile to the constitution."

Surely we are entitled to and are capable of as much self-government as the people enjoyed in Athens 2,400 years ago.

CARL E. EPLER,  
*Chairman.*

MR. ROBINSON: I move the adoption of the report.

The motion was seconded.

MR. KRAMER: Is this open for discussion upon any subject not reported upon by this committee?

THE PRESIDENT: I think not. Not, perhaps, on the question of its adoption.

MR. EPLER: The report of last year was referred to this committee.

MR. KRAMER: I want to say, that at the last meeting of the State Bar Association a resolution was adopted to modify the law of the State of Illinois in relation to the organization of city courts. The resolution was unanimously adopted. A bill was presented to the legislature and failed to pass. The most needed legislation, in my opinion now, in regard to judicial administration is to correct the law that we now have in reference to the organization of city courts. We have city courts that are being organized now in all the county seats, or a great many of the county seats; city courts may be organized in every city in the state where they are not needed at all and it is foisting upon the people of the State of Illinois a lot of inferior judges of jurisdiction equal to that of the Circuit Courts, and this Association ought not to quit work until our present law in reference to the organization of city courts is amended. A resolution adopted a year ago provided that no city court should be organized in a county seat at all, and in no other city not a county seat unless it had a population of at least ten

thousand inhabitants. The salutary features of that provision must appeal to all of you, yet you were unable to pass it, for some reason or other. We will have an opportunity to bring this matter up again before our next legislature, I mean in our Association, before the convening of the legislature, and I think that ought to be uppermost in our minds, to correct the present law in reference to the organization of city courts.

Another thing, I think if only one matter can be submitted to the legislature for amendment to the constitution we ought to insist that the next one should be to correct our present Appellate Court system. The constitution can be altered and amended. The judges should be elected direct and not selected from the circuit judges. I do not mean by that to say that there is anything wrong with our appellate judges, particularly down in the fourth district, before whom I have to practice, but I do think the system is wrong and ought to be corrected.

THE PRESIDENT: Do you desire to put your suggestion in the form of a motion?

MR. KRAMER: I do not know that it is necessary, inasmuch as we will have opportunity to get these matters in concrete form before the next session of the legislature. I just simply want to keep it before the Association so it will be kept green and bright.

THE PRESIDENT: The motion then in order is to adopt the report of the Committee on Judicial Administration. Are you ready for the question?

Calls for the question.

THE PRESIDENT: As many as favor the adoption of the report will say aye. Contrary minded will say no. It is so ordered.

Ever since the time that Shakespeare made the report in the case of Shylock *v.* Antonio, a suit on bond, and Portia appeared in that case, there has been no doubt that there was no reason why a woman of the ability and qualifications to be a lawyer, should not be a lawyer. Portia was a figment of the imagination; there are real women lawyers now, and to-day, we will have the pleasure of listening to one, on that subject. Mary M. Bartelme will speak to us on "A Woman's Place at the Bar."

The address will be found in Part II.



MR. McMURDY: I move that the recommendation of this highly interesting, humane and persuasive paper be referred to the Executive Committee with power to act.

MR. SAMUEL ALSCHULER: I second the motion.

The motion was carried.

MR. BENJAMIN P. ALSCHULER: In the absence of the Chairman of the Committee on Organization, I wish to present to this Association the application for affiliation of the Saline County and the Kane County Bar Associations, and move that the applications be accepted.

MR. O'CONNOR: I second the motion.

MR. ALSCHULER: I may say, Mr. President, that the constitution adopted by the local organization in Saline County has already been filed with the Secretary, attested by its Secretary.

The motion was carried.

THE PRESIDENT: Professor Thurston has a suggestion to make.

PROF. THURSTON: Gentlemen, there will be a luncheon given by the Harvard men here assembled, to the Hon. Charles J. Bonaparte, at the University Club, at one o'clock to-day. It is hoped that all Harvard men who are here will attend that luncheon at the University Club at one o'clock.

MR. VELDE: For the purpose of getting it before the Association, the Secretary has handed me this letter:

SPRINGFIELD, ILL., June 20, 1911.

HON. WM. R. CURRAN,  
President Illinois State Bar Association,  
Champaign, Ill.

DEAR SIR:—I have prepared for the Supreme Court Library an index of the reports of the Illinois State Bar Association, and have also made a copy which I desire to tender to the Association for publication in their Annual Report, or as they desire.

Truly yours,

R. H. WILKINS.

I have the following resolution to offer in reference to it:

Resolved, that the offer of Mr. Wilkin be accepted, with the thanks of the Association;

Resolved, further, that the Index be published with the next report of the Association or in any other form as may seem best to the Executive Committee, and distributed among the members.

I move the adoption of the resolution.

The motion was seconded and carried.

MR. GEORGE T. PAGE: I move we extend the thanks of this Association to Mr. Wilkin for his courteous tender of this valuable assistance to every one who has any interest in the reports of the Association.

The motion was seconded and carried.

MR. E. P. WILLIAMS: I move that the Hon. Charles J. Bonaparte be made an honorary member of this Association.

The motion was seconded and carried.

THE PRESIDENT: We now are in recess until two o'clock this afternoon.

Whereupon a recess was taken until 2 o'clock P. M.

The Association reconvened at two o'clock P. M.

THE PRESIDENT: The first matter of business is the report of tellers on the election of officers. Will the tellers present their report?

The report is as follows:

We the tellers of election appointed by the President of this Association, beg leave to report that we have counted the ballots cast for the officers of this Association, for the ensuing year, and report that fifty-five (55) ballots were cast, and that

FOR PRESIDENT

HORACE KENT TENNEY, received 55 votes.

FOR VICE PRESIDENTS

HARRY HIGBEE, received 55 votes.

WILLIAM D. FULLERTON, received 55 votes.

JOSEPH H. DEFREES, received 55 votes.

FOR SECRETARY-TREASURER

JOHN F. VOIGT, received 55 votes.

Respectfully submitted,

F. A. COGGESHALL,

M. D. CONAGHAN,

Tellers.

**THE PRESIDENT:** Pursuant to the provisions of the by-laws of this Association the gentlemen named are declared the duly elected officers of the Association for the ensuing year. (Applause.)

**MR. EVANS:** The committee appointed to audit the accounts of the Treasurer are ready with their report, but before making the report I wish to submit a resolution which I will, with the permission of the Chair, read.

**THE PRESIDENT:** Present the resolution.

**MR. EVANS:** Be it resolved by the Illinois State Bar Association that we tender the members of the Champaign County Bar our hearty thanks for, and assure them of our high appreciation of their hospitality and their splendid efforts to contribute to our comfort and pleasure during this our regular session for the year 1911. I move you, sir, the adoption of this resolution.

**MR. O'CONNOR:** I second the motion.

The motion was carried.

**MR. EVANS:** Mr. President, if the Association is ready to hear this report, I would like to present it at this time.

**THE PRESIDENT:** Present it.

The report is as follows:

We, your Committee appointed to audit the accounts of the Treasurer for the past year, would respectfully report that we have examined his books containing his accounts of receipts and expenditures from June 20, 1910, to June 20, 1911, and also vouchers for all items of disbursements, and find the same to be correct.

That the total receipts were.....\$7,024.72

The total disbursements were..... 5,891.09

That there was a balance in his hands on June

20, 1911, of.....\$1,133.63

and that he has satisfied us by evidence that this sum is in bank to his credit.

All of which is respectfully submitted.

WINSLOW EVANS,

J. M. GRAY,

W. J. DOLSON,

*Auditing Committee.*

**MR. EVANS:** I move the adoption of the report.

The motion was seconded and carried.

**THE PRESIDENT:** Ladies and gentlemen of the Illinois State Bar Association, on the fourth of July, 1776, there were a number of people on the western continent that organized a new experiment in government; for considerably over one hundred years we have been reasonably well satisfied with that experiment. We have criticised it some from time to time and bettered it some from time to time, but we are reasonably well satisfied with it. Our old civilization has progressed westward to the Pacific, and out in Oregon where the air is rare and the rocks are big and the sons and daughters of the men who made this original experiment have gone, they have tried new experiments in government, and we have with us this afternoon one of the residents of that state who knows about them, who will address us; Mr. Clarence True Wilson will now address the Bar Association on "Oregon's Experiment in Self Government." (Applause.)

The address will be found in Part II.

**THE PRESIDENT:** If there is any gentleman present who desires to ask Mr. Wilson any questions on this subject the opportunity is given.

**MR. TENNEY:** I think it would interest the Association if Mr. Wilson would tell something of the method of procedure by which the recall is exercised.

**MR. ELLWOOD:** Does it refer to the judiciary?

**MR. TENNEY:** The method of the recall procedure generally.

**MR. WILSON:** I can tell you that in the rough. I cannot give you accurately the wording of it. If any man is believed to be unworthy for the performance of his duties a petition is gotten up. The petition must set forth the exact charges in specific language, and thirty per cent of all the registered voters must sign it before an election can be called, and it must be thirty days after any specific act on which the charge is based. The election is then sixty days off. The process is this: A petition is presented and the election is called, and in the petition the man who is to be nominated must be named and the reasons why he has been nom-

inated, and his qualifications for office all set forth. When the election is called the present incumbent and the other nominees are named, and there are other nominations, of course, made by the petition. The present incumbent stands in the relation of a nominee for that office without the formality of the petition, and he has on this pamphlet which is mailed to every voter in the district involved an equal space to set forth his defense of his administration.

MR. TENNEY: Practically an impeachment tribunal of the voters.

MR. WILSON: That is it exactly. The objection to it is, it is not understood. Suppose a judge makes an unpopular decision, you can't rush the thing out to the people. The petition sets forth as accurately the form of the charges as the law would require if the charges were to be presented in court, and he has an equal chance for defense. And I will say, in a general way, that in Oregon we have never had a hint of a recall for any judge or for any legislator or for any city councilman from any one, that has ever been heard of in these years, for any specific thing that the person had done. I do not believe that you could ever get a petition up setting forth any specific act against a judge because he said a certain thing. No matter whether we agree with him or not, if he honestly thinks that, he has a right to his opinion, and he is free to state his opinion. You cannot get up a prejudice against a judge because we may differ with him, out there. They feel the responsibility of standing by their judges and everybody else who is in office, and giving them the right to their opinion. But we did recall one man in our neighboring state, the Mayor of Seattle, you remember. But it was not for any specific act, and could not have been for any specific act. It was the simple fact that there was a man who made the campaign on definite promises to the moral element of that city and no sooner was in office than he violated every one of them, and they set forth a group of about thirty charges against him, every one of which was practically sustained by evidence that would have passed in court, and you know he was removed by a vote of two to one. Nothing short of

corruption in office will remove one under this system. We have never recalled any officer in Oregon. If you have the power of Recall you don't need to use it. If you haven't it you need it all the time.

MR. McMURDY: How is the vote as to the referendum and foreign element or the submerged class or the uneducated classes?

MR. WILSON: Very few of the people in Oregon vote on any measure who are not interested in that measure, they simply pass it by. The measures that have created the most interest and study and discussion must draw out the legitimate vote on both sides, and the other people just pass by the measures and vote for the men.

MR. GARDNER: I understand that you submit to the people out there your State University appropriation bills, and that in a recent election you came within a few votes of closing up the University. I am also informed that you submit questions of a technical and administrative character rather than simply questions of public policy. If I am not mistaken, at the last election you submitted a question relating to the jurisdiction of the courts and legal procedure, matters of practice. Now, I have some doubt as to the ability of the average voter, even in the most intelligent community, to vote intelligently on such questions as those. I feel pretty sure, for example, that we could not dispose of the Gilbert bill in this state in that way. (Laughter.)

MR. WILSON: There has been a good deal of misinformation going out concerning Oregon. Some of it has been purposely misrepresented. Now, for instance, take the university appropriation. The State of Oregon was only giving to its State University \$75,000, if I am not mistaken, and if there is an error it is just a few thousand dollars one way or the other. The legislature appropriated \$250,00, a jump from \$75,000 to \$250,000 per year for our State University. The Grange of Marion County called the referendum on that appropriation, but instead of the people standing by the grange they stood by the legislature and they passed that tremendous appropriation by a majority of almost six thousand, in the State of Oregon. We sustained the legislature in that great increase and put our university on its feet.

Now with reference to the mode of judicial procedure. The only bill that I recall was the one we passed upon last year, and I will submit to you lawyers whether that was a fool proposition or not. You know more about that than anybody else. You know about the trial by jury. We submitted a constitutional amendment to the people of Oregon making a three-fourths vote adequate for a verdict in a trial by jury, in civil cases, that was previously stated. We passed the constitutional amendment that in civil cases a three-fourths vote forms a verdict. Now then I will submit to you whether that was a good step,—a step in the wrong direction or in the right direction.

MR. TOLMAN: What became of it, did it pass?

MR. WILSON: Oh, yes, the people passed it by a vote of four to one. The other law involving the judiciary in any way was the expression of the people on the increase of the number of our judges. We had five and somebody through the initiative, desired seven Supreme Court judges in the State of Oregon. The people voted that down, not on account of the expense, as some people said, but because, with the sparse population of Oregon we do not need any such number of Supreme Court judges. Now, the other law that we passed on that subject, the only other law, was this: We passed a constitutional amendment forbidding the Supreme Court of our state to set aside any verdict of any court on a technicality, requiring that before a verdict be set aside or the case remanded for a new trial, two-thirds of the Supreme Court must agree that the errors in the lower court were so fundamental as to probably have secured another verdict by the jury if the errors had not been made. That is in the constitution of Oregon. I do not know whether you have had any such experience as we have had out there. Again and again and again justice has been thwarted by the merest technicalities, and the people of America, whatever lawyers may think about them, have very little patience with this kind of justice on technicalities. We take no power out of the Supreme Court. If any errors are fundamental they can set the verdict aside or remand the case for a new trial, but not on mere technicalities that would have made no difference in the verdict of

the trial court. Those are the only matters that we have ever voted on involving the judiciary, and I am very proud of the people's verdict in those three cases.

MR. EPLER: You spoke of your highly intelligent population in the voting classes of Oregon; are they nearly all of native American stock, or are there many foreign born population there?

MR. WILSON: Of course in some sections we have quite a number, but I think Oregon stands third in all the states of the Union in the large population of native born Americans.

MR. ROBINSON: In large cities such as Chicago and New York, with large settlements of foreign population, do you think that law is practical?

MR. WILSON: Well, I am going to confine myself to Oregon, and let you lawyers do the rest. (Laughter and applause.) I have ridden through the slums of Chicago recently and felt very grateful that I was not responsible for good government or civic decency in that city. (Applause.)

A MEMBER: In the case of the recall, does a mere majority of the popular vote accomplish the result or does it require more?

MR. WILSON: No, the man who gets the largest vote at a recall election will be elected.

THE MEMBER: I do not mean the election, but I mean the recall.

MR. WILSON: The recall and the election are the same thing. The man who is recalled by this petition is simply at the election one of the nominees, and you put up other men to run against him for the same position, and the majority decide. Of course he has several very great advantages, he might have six men against him dividing up the vote and he standing alone gets all the votes of those who favor his administration. Then the man who is in has a very great advantage because the people are conservative. The people always have sympathy for the man who is under fire when you come to the actual test. They may talk against a man, but they would not vote against him. I thank you, gentlemen, for the attention you have given the subject.

THE PRESIDENT: The next matter on the program is the



report of the Grievance Committee, by Mr. William F. Bundy.

The report is as follows:

*To the Illinois State Bar Association:*

GENTLEMEN: Your Committee on Grievances makes the following report:

Your Committee was required to act in but one matter during the past year, namely, that of charges against Martin C. Decker of North Chicago.

The report of the committee on that case was filed with the secretary of this Association on the 13th day of June, 1911, and sets forth the charges made against Mr. Decker, the evidence in support thereof, and the findings of the committee.

The report of the committee fully exonerates Mr. Decker from any blame, and we ask that the Association take such action upon that report as it may deem proper.

W. F. BUNDY,  
*Chairman.*

JOHN E. HOGAN.  
*Committee on Grievances.*

MR. ELLWOOD: I move that the report be adopted.

The motion was seconded and carried.

THE PRESIDENT: The next matter is the report of the Necrologist, Mr. Thomas Dent, of the Cook County Bar.

MR. DENT: Mr. President and members of the Association: We are privileged by natural endowment to cherish the memory of those whom we have known, upon whom the hand of death has been laid. We are also permitted, in a measure, to extend it or perpetuate it, somewhat for our own benefit, and for the advantage of those who are to come after us.

In making the report of the death of members of the Association during the past year, it is my duty to present nineteen memorial sketches, that number of our members having died during the past year. Giving the names in alphabetical order, the dates of birth and death, and the ages at death, I will submit the report without reading the details in full, as I think that would take too much time.

The report is as follows:

*To the Illinois State Bar Association:*

It becomes my duty to present 19 memorial sketches having reference to members who died within the past year. Giving the names in

alphabetical order, the dates of birth and death, and ages at death, may be stated as follows:

- Brown, Robert J., of Venice, Ill.  
Born July 16, 1864.  
Died April 8, 1910. Aged 45y. 8m. 22d.
- Burgett, John M. H., of Chicago.  
Born April 28, 1850.  
Died Jan. 24, 1911. Aged 60y. 8m. 26d.
- Coburn, Lewis L., of Chicago.  
Born Nov. 2, 1834.  
Died Oct. 23, 1910. Aged 76y. 9d.
- Fuller, Melville W., of Washington, D. C.  
Born Feb. 11, 1833.  
Died July 4, 1910. Aged 77y. 4m. 23d.
- Gardner, Henry A., of Chicago.  
Born Sept. 7, 1845.  
Died Feb. 5, 1911. Aged 65y. 4m. 28d.
- Gere, George W., of Champaign, Ill.  
Born March 22, 1843.  
Died June 15, 1911. Aged 68y. 2m. 23d.
- Knight, Clarence A., of Chicago.  
Born Oct. 28, 1853.  
Died June 21, 1911. Aged 57y. 7m. 23d.
- Miller, Humphrys H. C., of Chicago.  
Born Oct. 17, 1845.  
Died Nov. 15, 1910. Aged 65y. 28d.
- Osborn, Charles M., of Chicago.  
Born Mar. 17, 1833.  
Died Feb. 2, 1911. Aged 77y. 10m. 15d.
- Paddock, George L., of Chicago.  
Born Oct. 8, 1832.  
Died Sept. 11, 1910. Aged 77y. 11m. 3d.
- Pease, Arthur B., of Chicago.  
Born Feb. 25, 1866.  
Died Apr. 7, 1911. Aged 45y. 1m. 12d.
- Prouty, Henry W., of Chicago.  
Born Dec. 23, 1858.  
Died Jan. 23, 1911. Aged 52y. 1m.
- Schmitt, Frank P., of Chicago.  
Born Aug. 4, 1862.  
Died Oct. 1, 1910. Aged 48y. 1m. 27d.
- Sweeney, Edward D., of Rock Island.  
Born Aug. 13, 1833.  
Died Sept. 14, 1910. Aged 77y. 1m. 1d.

Thackaberry, Milton L., of Chicago.

Born May 26, 1858.

Died Dec. 11, 1910. Aged 52y. 6m. 15d.

Trogdon, Andrew Y., of Paris, Ill.

Born July 8, 1833.

Died Nov. 19, 1910. Aged 77y. 4m. 11d.

Ullmann, Frederic, of Chicago.

Born Feb. 12, 1845.

Died Mar. 29, 1911. Aged 66y. 1m. 17d.

Walker, Edwin, of Chicago.

Born Apr. 15, 1827.

Died Sept. 2, 1910. Aged 83y. 4m. 17d.

Wright, R. W., of Belvidere, Ill.

Born July 19, 1862.

Died Nov. 29, 1910. Aged 48y. 4m. 10d.

The average age at death exceeds by a fraction 64 years.

As to nativity, seven were born in Illinois, three in Vermont, three in New York, and one in each of the states of Maine, Georgia, Ohio, Kentucky, Delaware and Wisconsin.

Respectfully submitted.

THOMAS DENT,

*Necrologist.*

June 23, 1911.

ROBERT JOHN BROWN of Venice, Illinois, died April 8, 1910. He was born in Venice Township, Madison County, July 16, 1864, on a farm now within Granite City, and was a son of Robert J. and Martha J. Brown. His father, a native of Ireland, was the first Supervisor of Venice Township.

Mr. Robert John Brown received his early education in the public schools of Venice and attended Johnson's Commercial College in Saint Louis one year, and also had a two years' scientific course at McKendree College, Lebanon, Illinois. He subsequently was in Colorado and other parts of the West for about three years. Returning to Illinois, he entered the legal department of McKendree College, and was graduated therefrom in 1890, and was admitted to the bar of Illinois, October 21, 1890.

In 1892, he was Republican nominee for State's Attorney of Madison County, but was defeated in the election. In 1900 he was again nominated for that office, and having been elected, he served as such attorney for two years, and established a good reputation as a prosecutor. In 1905, he entered into co-partnership with Mr. M. S. Geers, and later Mr. Cyrus A. Geers became a member of the firm. Mr. Brown continued his practice until the fall of 1909, when hoping to secure restoration to health, he visited Colorado, to get the benefit of a change of climate.

He is survived by a widow, Mrs. Mabel J. (Paul) Brown, and their two sons, Robert J. Brown, Jr., and Ralph Henderson Brown, and also by his aged mother, Mrs. Spence, who resides at Warrensburg, Missouri, and his two brothers, William J. Brown of Venice City, Illinois, and Horatio G. Brown of Denver, Colorado.

He exhibited unusual legal ability, and good gifts as an orator, which gave him marked distinction. He was a kind and devoted son, husband and father, and a broad minded, public spirited and exemplary citizen.

The bar of Madison County in a testimonial presented to the Circuit Court of that county, declared of him that he was a worthy friend and colleague, who had been taken away at the meridian of a successful, prominent and useful career as a citizen and lawyer.

JOHN M. H. BURGETT, late of Chicago, was born at Hartland, Vermont, April 28, 1850. His parents, Daniel A. Burgett, now of the age of 94, and Adeline (Myron) Burgett, aged 88, migrated to this State in 1854, and after residing for some years at Bernadotte and Ellsville, respectively, settled at Lewistown, in the High School of which last named place the subject of this sketch fitted for college.

Having entered the University of Michigan in September, 1868, he was graduated as a Doctor of Philosophy, with the class of 1872. Legal studies were pursued by him under Robert B. Stevenson of Fulton County, Illinois, and he was admitted to the bar June 15, 1875.

He took up his residence in Chicago, and became in 1877, a member of the firm of Smith & Burgett, which was continued until 1887. He then became a member of the firm of Osborne Bros. & Burgett, but after 1895, was alone in practice. He was diligent, systematic and orderly in his work, and in the preparation of the business and causes in which he participated. The presiding Judge of one of our Appellate Courts took occasion, in 1892, to compliment him as to the example he set in the preparation of abstracts and briefs.

A series of articles prepared by him and published in the Chicago Legal News, beginning with Vol. 40, p. 28, may be cited as showing to some extent his thoroughness in the study of legal questions.

His health failed in a measure as early as 1908. In December, 1910, he and his wife, Mrs. Jane (Clarke) Burgett, visited the home of his parents in Lewistown, and while there his ailment, a pernicious form of anemia, accompanied by a slight attack of grip, caused his death, the 24th of January, 1911.

He was entitled to high esteem as a man of sterling integrity and a worthy member of our profession.

LEWIS LARNED COBURN, the well known patent lawyer, late of the firm of Coburn & McRoberts in Chicago, died at his home in that city, October 23, 1910. He was born in East Montpelier, Vermont,

November 2, 1834; was the youngest of five children of Larned and Louisa (Allen) Coburn; fitted for college at Morrisville and Northfield Academies; attended the University of Vermont; entered the office of Thomas P. Redfield of Montpelier as a student; was graduated at the Harvard Law School as LL. B., and was admitted to the Essex bar.

On coming to Chicago, he was admitted to the Illinois bar April 1, 1861.

Being in Vermont for a temporary visit in 1862, he enlisted for military service, and became Captain of Company C of the 13th Regiment of Vermont Volunteers, and was in several important engagements in our late Civil War, including the battle of Gettysburg.

After having been mustered out of the service at the termination of his enlistment, he resumed his legal practice in Chicago under the firm name of Coburn & Marrs, Mr. Marrs having been a class-mate with him. After Mr. Marrs' death, Mr. Coburn was joined in his legal business by John M. Thatcher, previously United States Commissioner of Patents; and this partnership was continued something like twenty years.

Mr. Coburn was one of the organizers of the Union League Club of Chicago, and its first President. He did good service as a member for a few years of the Board of County Commissioners of Cook County. The honorary title of LL. D. was conferred upon him by the University of Vermont, and he had also recently been made an honorary member of the Union League Club, his name being coupled in this connection with that of President William H. Taft. He was a man of much sagacity, and of good executive ability, and was held in high estimation.

MELVILLE WESTON FULLER, the eighth Chief Justice of the Supreme Court of the United States, was an honorary member of this Association. He served as its president for the term beginning in 1886, being the eighth president elected. His death occurred at his summer home at Sorrento, Maine, July 4, 1910. He was a son of Frederick Augustus and Catherine M. (Weston) Fuller, and was born February 11, 1833. He received the degree of A. B. from Bowdoin College in 1853, and the degree of A. M. in 1856. His legal education was partly under the direction and tutorage of his uncle George M. Weston, and from attending to a course of lectures at Harvard Law School. In making choice of the legal profession he followed in the footsteps of a number of his ancestors. He was admitted to the bar in 1855, and entered into practice at Augusta, Maine. He became president of the Common Council of that city and City Solicitor, in 1856, and while residing there was in 1855-6 associate editor of "The Age," a democratic paper. When about to change his residence to Chicago, he resigned the offices which he so held in Augusta. He was admitted to the Illinois bar, June 16, 1856, and quite soon became actively engaged in professional work,

which he pursued until he assumed the duties of the office of Chief Justice, to which office he was nominated by President Cleveland, April 20, 1888. The confirmation of the nomination occurred July 20, 1888, and he took the oath of office October 8, 1888.

In the interval of thirty-three years between the time of his admission to the bar and the last mentioned date, he had from an early period marked political prominence, but without neglect of his calling as a lawyer. He was a member of the Illinois Constitutional Convention of 1862, in which his associate delegates from Cook County were John Wentworth, Elliott Anthony and John H. Muhlike. The Convention met at Springfield, January 7, 1862. Its work was disapproved by the voters at the election held June 17, 1862, while Civil War troubles were pressing. Mr. Fuller was a member of the H. of R. of Illinois in the twenty-third General Assembly, 1862-1864. The filling of these offices gave useful training to the young lawyer. He was a delegate to the Democratic National Conventions held in 1864, 1872, 1876 and 1880.

His unusual aptitude for work in his profession, even before he held office in this State, indicated precocity, or proved at least that he had in his early years improved his time and talents. He had fine gifts as a speaker, in the statement of facts, and in skill and force of argument, and was a ready writer. He instanced a good scholastic training, and a general development, combined with quickness of perception, alertness and versatility, and also with readiness and clearness of expression, and tact in address and in management. As a combatant at the bar, he had courage, dexterity and persistence, and was loyal to ethical standards. He was temperate, considerate, industrious, thoughtful and forceful; and while at the bar obtained marked prominence as one of its leaders.

In the reports of proceedings of this Association we may find in the volume for 1879 his valued Biographical Memorial as to Sidney Breese, and in the volume for 1886 a paper entitled "Constitutional Construction at the Ballot Box," and in the volume for 1887 the Presidential Address. Before becoming Chief Justice he had contributed to "The Dial" a number of articles of interest in biographical and literary lines, as will appear from the following references to that periodical:

General W. S. Hancock, Vol. I, page 101, October, 1880.

Beaconsfield's Novel, "Endymion," Vol. I, p. 188, Jan. 1881.

John Quincy Adams, Vol. II, page 282, April, 1882.

John C. Calhoun, Vol. III, page 51, July, 1882.

Jefferson and Hamilton, Vol. IV, page 4, May, 1883.

Chief Justice Marshall, Vol. VI, page 10, May, 1885.

(Same reprinted October, 1888, Vol. IX, page 128).

"Old Bullion" (Thomas H. Benton), Vol. VIII, page 11, May, 1887.

The list indicates that fiction was not neglected while severe studies

as a lawyer were uppermost, and also that he kept an eye out for the study of government and statesmanship.

In length of service as Chief Justice he is in the third place, being in this respect next to Roger B. Taney, whose term of service was not so long as was that of John Marshall. In filling this office for so long a period, and at a time when so much labor, of a highly important character, fell upon the court, the subject of this sketch left an enduring monument. In pointing to it the mention of various honors of which the Chief Justice was a worthy recipient must be omitted. Yet attention should be called to the Address which he delivered December 11, 1889, before the two houses of Congress, in commemoration of the Inauguration of George Washington as the First President of the United States. (51st Cong., 1st Sess., H. R. Doc. No. 168). It is an oration eloquent in narration, as to facts and principles, and distinctly, though discreetly, optimistic as to the future of our nation.

HENRY A. GARDNER, senior member of the firm of Gardner, Carton & Gardner of Chicago, died February 5, 1911, at the Michael Reese Hospital in that city. He had gone to the hospital for a surgical operation. He was born in Lisbon, Kendall County, Illinois, September 7, 1845, and was a son of Henry A. Gardner and Sara P. (Morgan) Gardner, his wife. Following up a common school education he entered the University of Chicago in 1863, and was graduated therefrom in 1868, and from the Harvard Law School in 1870. From his admission to the Illinois bar May 9, 1870, he was actively engaged in professional work until the time of his death. In his professional work he at times represented or was Chicago attorney for the Lake Shore & Michigan Central Railway Company, The Great Western Railway Company, The New York Life Insurance Company, The Carnegies Steel Company and John A. Roebling's Sons' Company and other large industrial organizations. He was also president of the Hinsdale Trust & Savings Bank, and of the Morgan-Gardner Electric Company, and a director of the Iowa Central Railway Company.

He was married in 1878 to Deborah C. Fessenden. She with their five children, Mrs. Wm. France Anderson, Mrs. Wm. D. Brown, Henry A. Gardner, Jr., Mrs. George H. Bent and Robert A. Gardner, survives him. His home at the time of his death was in Hinsdale, Ill.

In temperament and bearing he was composed and forceful; and he was justly recognized as a man of sterling integrity and ability, socially and professionally.

GEORGE WASHINGTON GERE, who was of Welsh descent, was born in Clark County, Ill., March 22, 1843, and was the son of John and Emily (Caton) Gere. He died June 15, 1911, at his home in Champaign, Illinois. His father was born in Vermont, February 11, 1811, and by his parents was taken to Genesee County, N. Y., where he was reared.

In 1837 he, John Gere, became a resident of Clark County, Illinois, where he resided for ten years; and in 1847 he removed to Urbana, and for nearly half a century thereafter was a merchant in that county seat. The decedent's mother was a daughter of George W. Caton, a brother of John Dean Caton, long a member of the Illinois Supreme Court, and otherwise highly distinguished.

Mr. George W. Gere attended the public schools in Urbana and commenced the study of law in that city preparatory to entering the law department of the Chicago University, then existing, from which he graduated in 1865. In 1863, as an active "war democrat," he did much to hold his party in line. He was admitted to the bar August 16, 1865, and established an office in Urbana, and in 1870 formed a partnership with General John C. Black, under the firm name of Black & Gere, in Champaign, which connection was continued until in 1875, when General Black removed to Danville. Afterwards Mr. Gere was associated with Henry M. Beardsley, in a partnership which was severed on the removal of Mr. Beardsley to Kansas City in 1887. Mr. Gere then engaged in practice with Solon Philbrick under the firm name of Gere & Philbrick until 1903, when Mr. Philbrick became a Judge of the Circuit Court.

Mr. Gere in 1886 joined the ranks of the prohibition party. In 1892, he was selected as chairman of the state central committee of his party, and in 1896 he was a candidate for Governor on the prohibition ticket.

He held membership in no church, but was a regular attendant at the First Presbyterian church of Champaign, and contributed largely to the support of the church, as well as to various charities and benevolences, and recognized the brotherhood of humanity to an unusual degree.

A little booklet, entitled, "Did Jesus Rise," of which he was the author, was published by the Winona Publishing Company of Chicago in 1903. It is an argument concerning the evidences of the resurrection.

October 14, 1867, Mr. Gere married Miss Mary H. Lee at Marysville, Ohio. They had two children, the elder, Eva, born September 10, 1868; died March 10, 1884. Clara Gere Huckens, the other daughter, resides in Champaign, Illinois.

For the past few years, owing to the condition of his health, Mr. Gere led a quiet life.

CLARENCE A. KNIGHT, of the firm of Knight, Barbour & Adams, in Chicago, died June 21, 1911, at St. Luke's Hospital in that city after having submitted to a surgical operation for appendicitis. He was born in McHenry County, Illinois, October 28, 1853, and was educated in the common schools and in the Cook County Normal School, so that he became a teacher. He entered the law office of Spafford, McDaid &



Willson in Chicago, in 1872, to get a training and education as a lawyer, and was licensed to practice law September 11, 1874. He was Assistant City Attorney of Chicago, 1879-84; City Attorney, 1884-88; Assistant Corporation Counsel, 1888-89. Later he became General Counsel of the Lake Street Elevated Railroad Company and of the Northwestern Elevated Railroad Company. He was an earnest man, and had pursued his professional course with energy and success.

HUMPHRYS H. C. MILLER died at his home in Evanston, Illinois, November 15, 1910, of an attack of pneumonia. He was born in New York City, October 17, 1845. His father, George Miller, was of Irish birth, and his mother was a native of New York. The parents resided in that city until 1855, when they removed to Jo Daviess County, Illinois, and the father engaged in farming. The son, Humphrys, in preparing for college attended Mt. Carroll Seminary, and in 1864 entered Union College, Schenectady, New York, but two years later was admitted to the Junior class in the University of Michigan, from which last named institution he was graduated. In 1868-70 he was principal of the High School at Channahon in Will County. He was afterwards for five years School Superintendent at Morris, Illinois, and for one year held the like position at Pittsfield, Illinois. He was admitted to the bar June 15, 1875, and in the next year removed to Chicago, opening an office there with Charles W. Needham, now of Washington, D. C., but taking up his residence in Evanston. He became President of the Board of Education of Evanston in 1880; was Village Attorney or Corporation Counsel, 1886-87; Mayor of the same place, 1887-90; a member of the Evanston Civil Service Commission, 1894-97; served as a member and Vice-President of the Board of Trustees of Northwestern University, and was identified with an unusual variety of worthy activities at his home and in Chicago. He was on the staff of Governor Yates, 1900-04, with the rank of Colonel. He was trim, neat, and moderately slender in person; was of a studious and intellectual aspect, and inspired and deserved a high degree of confidence, socially as well as professionally.

CHARLES MARCUS OSBORN, recently of the Chicago bar, was born March 17, 1833, at Sag Harbor, New York. His parents, Marcus Brutus Osborn and Elizabeth A. W. (Grant) Osborn, became early residents of Rock Island.

Charles M. was a graduate of Rensselaer Polytechnic Institution. He became a civil engineer, and followed that profession at first, but after studying law was admitted to the bar February 8, 1860, and began his new professional work in Rock Island. He and Henry M. Curtis, Jr., composed the firm of Osborn & Curtis of that city. After removing to Chicago, he was especially known as a railroad attorney. He was general solicitor of the Chicago & Western Indiana Railroad Company, until he retired about 1907.

His death occurred at his residence, 1501 Asbury Ave., Evanston, February 2, 1911.

He was a man of deliberation and earnestness and directness of purpose and of solidity of judgment.

GEORGE LABAN PADDOCK, who was in practice as a lawyer in Chicago, died September 11, 1910, at his home in Winnetka, Illinois. He was born in Augusta, Georgia, October 8, 1832. He was graduated from the Harvard Law School, and his admission to the bar of Illinois occurred February 1, 1858. He began the practice of his profession at Princeton, Illinois. Having attached himself to the Union forces during the late Civil War, he was First Lieutenant of Company I of 12th Illinois Infantry Regiment, and took part in the campaign against Forts Henry and Donelson, and in the battle of Shiloh and the other military operations, and when discharged at the close of the war was Major of the 11th U. S. Colored Infantry.

While in Princeton, he was the senior partner in the prominent firm of Paddock & Ide for a number of years; the junior member being the late George O. Ide. Both were very capable and efficient lawyers, of superior training and experience. They removed to Chicago about 1867, and were in full practice until Mr. Ide's death.

Mr. Paddock's firm was afterwards Paddock, Wright and Billings, until the death of Mr. Wright, after which event some changes in the firm occurred.

He was intrusted with the care or management of highly important affairs and business, which he conducted with great care and prudence.

He was recognized as one of the best citizens, and as having a high standing at the bar, and in social and literary circles, and as a member of the Loyal Legion and other organizations with which he became connected. He is survived by his widow, three daughters and two sons.

ARTHUR BURR PEASE, of Chicago, died April 7, 1911, at the home of his sister, Mrs. Stella Pease Hulette, in that city. His death was sudden, though it was supposed he suffered from heart trouble. He was born at Shoreham, Vermont, February 25, 1866; was graduated from Sherman Academy, Moriah, New York, in 1886, and from Middlebury College, Vermont, in 1890, and came to Chicago about 1891, after having had a season of travel abroad and of study in the University of Strassburg, Germany. He was graduated from the Kent College of Law in 1893, in its first class of graduates, and was admitted to the bar June 15, 1893. He was with Walter M. Howland for some time before becoming a member of the firm of Pease & Allen, and in May, 1900, became associated with Louis J. Pierson, under the firm name of Pierson & Pease, which association was continued until his death.

He was connected with various clubs and social organizations; and was one of the leading spirits in the Northwestern Alumni Association

of the Delta Kappa Epsilon Fraternity. He was widely and favorably known in his profession; a man of kindness, and of loyalty in friendship.

HENRY WOODRUFF PROUTY, of the Chicago bar and of the late firm of Prouty & Harford, died January 23, 1911.

He was born at Concord, Ohio, December 23, 1858, and was a son of Edward Varney Prouty and Betsey Ann (Woodruff) Prouty, and was of the seventh generation of the Prouty family in America, tracing it from Richard Prouty of Scituate, Plymouth Colony.

He was graduated from Yale University with the degree of B. A., in 1884, and the following year received his LL.B. degree from the Albany Law School. He was admitted to the Illinois bar Sept. 22, 1887, and entered upon the practice of his profession in Chicago, where he remained until 1890, when, in company with George A. Hawley, he opened a law office in Seattle, Washington, but two years later he returned to Chicago. Besides his partnership already mentioned, he was for a number of years associated with the late Frank P. Schmitt, of whom also a sketch is presented.

Mr. Prouty was a deep student of the law and was especially fond of pleading. His care and exactness in drawing legal documents entitled him to a high rank at the Chicago bar. His practice was generally confined to real estate, corporation and probate law. During the last few years of his life he was chiefly engaged in litigation which arose in the Hawaiian Islands; and he was instrumental in having amended by Congress the Organic Act of the Territory of Hawaii to allow appeals from the Territorial Supreme Court to the United States Supreme Court where he won an important victory just a week before he died.

Mr. Prouty was a high-minded practitioner, one learned in his profession, and stood for those ideals which we all admire and strive to attain.

FRANK P. SCHMITT, senior member of the firm of Schmitt & Wise, in Chicago, died in Vevay, Switzerland, October 1, 1910. He, together with his wife and father, had gone abroad to attend the marriage of his daughter, Miss Olga Schmitt, to Mr. Frederick Warren. He was born August 4, 1862, in Louisville, Kentucky. He had resided in Chicago twenty-nine years. In his education he had attended Adams Academy and Harvard University, and was a graduate of the Albany Law School. He was admitted to the Illinois bar March 19, 1886. In 1904 he became a Master in Chancery for the Superior Court of Cook County, and filled that office until he resigned the same in 1908. He was elected a member of the Illinois State Senate in 1906, and was chosen as Chairman of the Deep Waterway Committee of that body. At the time of his death, he was standing as the nominee of the Republican party for Judge of the Circuit Court of Cook County, to

be voted for at the November election, 1910, to fill the vacancy caused by the resignation of George A. Carpenter, now United States District Judge for the Northern District of Illinois.

For a lithograph likeness of Mr. Schmitt, see 41st National Corporation Reporter, page 230.

EDWARD D. SWEENEY, late of Rock Island, Illinois, in which place he had resided upwards of fifty years, died September 14, 1910. He was born at Simsville, Delaware, August 13, 1833, and removed thence with his father's family to western Pennsylvania in 1839. His collegiate training was at the Allegheny College, Meadville, Pennsylvania. On coming to Illinois he stopped for a time at Alton, and then went to Greene County, Illinois, where he taught school for a few months, but in July, 1857, settled in Rock Island, and became principal of a school. He studied law under the direction of the late George W. Pleasants, who was afterwards a Circuit and Appellate Court Judge.

Mr. Sweeney was admitted to the bar August 9, 1860. He associated with himself William Jackson, and later C. L. Walker was admitted to the firm, the name of which then became Sweeney, Jackson & Walker, from which firm Mr. Jackson withdrew in 1884, after which time the firm continued under the style of Sweeney & Walker.

Mr. Sweeney acted for some time as United States Commissioner. He had a large general practice, and participated in much of the important litigation in his locality. His widow, Mrs. Emma (Tunnell) Sweeney and three of his children by a former marriage, survive him.

MILTON L. THACKABERRY died at his home in Chicago, December 11, 1910, of pneumonia. His health is supposed to have been somewhat precarious, especially for about two years prior to that time, but not so much as to prevent his attention to business affairs until near the time of his final illness.

He was born in Bureau County, Ill., May 26, 1858, and was a son of Marcus and Mary Thackaberry of that county. His father was of revolutionary stock, descended from immigrants who came to America as early as 1761. His mother was a native of Dublin, Ireland. His early life was passed on his father's farm. After passing through the common schools he at the age of 18 became a school teacher. Subsequently, he was a student in the Naperville Academy, Illinois, and then went to California. At the age of 22 he became principal of the Eureka School at Hanford, Cal. He also attended the Sisalia Normal School for a term and then returned to Illinois and taught school and studied law, and graduated from the Union College of Law, now the Northwestern University School of Law, and was admitted to the Illinois bar June 10, 1884. He took an active interest in social, business

and political affairs, and in different ways was recognized as prominent, socially and professionally.

He was married in September, 1891, to Lizzie O. Stinson of Chicago, who died in 1901. He was married secondly, in January, 1908, to Edna G. Ovitt of Chicago, now his widow, besides whom he left him surviving three sons, namely, Milton L. Thackaberry, Jr., Marcus N. Thackaberry and Arthur R. Thackaberry.

He was given a Masonic funeral.

ANDREW YORK TROGDON of Paris, Illinois, died November 19, 1910. He was born in what is now Stratton Township in Edgar County, Illinois, July 8, 1833. His parents, Samuel and Ellenor Trogdon, migrated from North Carolina to Illinois in 1815. They settled in 1825 on land near Vermillion. The father carried on farming, and besides was a tanner and blacksmith, and is said to have made the first plow (Cary Plow) manufactured in Edgar County. Andrew was the youngest and the last survivor of nine brothers in the family of his father and mother. His common school education was supplemented by attendance at Paris Seminary in 1852, and by a three years' course in Asbury College (now Depauw University) at Greencastle, Indiana. He taught school in Brandon, Mississippi, and also at Bloomfield, Illinois.

While in his teens he was for a time with an older brother in Iowa, and later with another brother in Minnesota, and became interested in those sections of our country.

Having returned to Illinois about 1855 he pursued legal studies at Terre Haute, Indiana, where he was brought into contact with, or was under the preceptorship of John P. Usher, Chambers Y. Patterson and Harvey D. Scott, distinguished lawyers then in practice in that State; to the bar of which State he was admitted March 15, 1858. Hon. Joseph G. Cannon is understood to have been one of his fellow students in the legal line.

Mr. Trogdon's admission to the bar of Illinois dated from May 10, 1859.

From November 7, 1865, he was County Judge of Edgar County for thirteen years. He was called upon to fill other official positions, including the offices of town clerk, mayor of the city of Paris, and school treasurer. He was held in high regard as a lawyer, public official and worthy citizen. His widow, Mrs. Mary Catherine (Clapp) Trogdon, and their six children survive him.

FREDERIC ULLMANN, senior member of the firm of Ullmann, Hoag & Ullmann, in Chicago, died March 29, 1911. He was born in Racine, Wisconsin, February 12, 1845, and was a son of Isaac and Delia M. (Johnson) Ullmann.

After graduating at the Racine High School, when of the age of

15 years, he entered Racine College, then under the presidency of Rt. Rev. James Dekoven; but before completing the full collegiate course, he entered into military service in aid of the Union cause in the late Civil War. Joining the First Wisconsin Heavy Artillery, Company C, he became second lieutenant, and was afterwards promoted to be first lieutenant. He served in the army of the Cumberland, and was assigned to the Signal Corps. After the close of the war he was a student-assistant in the law offices of Fuller & Dyer, in Racine, of which firm the late Judge Chas. E. Dyer was a member. Subsequently, he attended the Albany Law School, in which he was a fellow student with Major Wm. McKinley, afterwards President of the United States. There was formed a warm friendship between these two students. Mr. Ullmann was admitted to the bar of Wisconsin in 1867, and became a member of the firm of Bennett & Ullmann. The senior member of this firm was Hon. Charles W. Bennett. Both members removed to Chicago in 1869. Mr. Ullmann was admitted to the Illinois bar June 5, 1869. He became a member of the firm of Bentley, Bennett, Ullmann & Ives. The senior member of this firm was the late Cyrus Bentley, Sr., an early and highly esteemed member of the Chicago bar. This firm was continued until the great fire of October 8 and 9, 1871, in Chicago. After that time, Mr. Bennett, having removed to Salt Lake City, to specialize in mining law, wished to have Mr. Ullmann join him there, but Mr. Ullmann decided to remain in Chicago, and was alone in the practice of his profession for some years. Later, Mr. Nicholas W. Hacker was with him in the practice under the firm name of Ullmann & Hacker, for 14 years. When Mr. Hacker concluded to relinquish the practice for a time, Mr. Parker H. Hoag, who had formerly been in the office, became a partner of Mr. Ullmann, under the firm name of Ullmann & Hoag; and in November, 1910, Frederic Ullmann, Jr., was admitted into the firm. Mr. Ullmann, our deceased member, had been president of the Chicago Bar Association. He was a member of the Loyal Legion, and of the Tolleston Shooting Club, and of various literary and social societies and associations. He was bright and cheery in appearance, active minded, and social; gave careful attention to his business, and was held in high esteem as a gentleman of worth, and as an accomplished lawyer, dispatching well and gracefully his professional engagements.

EDWIN WALKER, late of Chicago, died September 2, 1910, at his summer home at Wequetonsing, Michigan, after a lingering illness. An affection of his throat, coupled with other ailments, resulted in his death. He was born April 15, 1827, in Genesee County, New York; had an academic education, studied law in Batavia, N. Y., and was admitted to the bar in that state in 1854. He located in Logansport, Indiana, and continued to practice there until his removal to Chicago.

He was at that time General Solicitor for the Cincinnati, Richmond & Logansport Railroad Company, and a transfer of the general offices of the company occurred on the reorganization, causing it to become the Chicago & Great Eastern Railroad Company, toward which he retained the same relation until, and after, the merger of the company with the Pennsylvania system. He was admitted to the Illinois bar April 4, 1865. From 1870 to 1896 he was Illinois Counsel for the Chicago, Milwaukee and St. Paul Railroad Company. He was General Counsel for the Danville & Vincennes Railroad Company from its organization until 1886. He was also retained for the trial of various important cases aside from his railway connections.

He was a Director of the World's Columbian Exposition and Solicitor General for the Commission under which the Fair was held. He was special Counsel for the United States in the proceedings which were taken against Eugene V. Debs and others in 1894, for conspiracy, and in the resulting cases for contempt of an injunction, some account of which celebrated litigation is shown *In re Debs*, 158 U. S. 564, 39 L. ed. 1092.

He always displayed good judgment and marked ability in preparation, and in his work in court, and had a very high professional standing.

Hon. John Barton Payne on retiring from the bench became associated with Mr. Walker under the firm name of Walker & Payne. After the organization of the firm of Winston, Payne, Strawn & Shaw, Mr. Walker, while he had an office in the same suite with them, remitted full practice.

He was a man of good height and figure, and had much earnestness and persistence in his work.

NOTE:—Some publications give 1832 as the year of his birth, but we understand it was 1827.

The death of ROBERT W. WRIGHT of Belvidere, Illinois, occurred November 29, 1910, at Mercy Hospital in Chicago. He was born in Belvidere, July 19, 1862, and received his primary and collegiate education in the public schools of his native town and at the University of Illinois, and was admitted to the Illinois bar January 11, 1884.

He became State's Attorney for Boone County in 1884, and having been re-elected to that office for three succeeding terms, held the position sixteen years. He was elected a Judge of the Circuit Court for the Seventeenth Judicial District in June, 1903, and was re-elected to that office in June, 1909, for the usual term of six years, and was in the discharge of the duties of the office up to the time of his death. He frequently presided over a branch of the Circuit Court of Cook County during several years, and became so favorably known in that capacity that the Chicago Bar Association was represented at his

funeral at his home in Belvidere by a large committee, besides which many of the bench and bar of that city attended. He left him surviving a widow, Mrs. Ida B. Wright, one daughter, Georgia Ellen Wright, and a son, Robert W. Wright, Jr.

MR. POWERS: Preliminary to a motion, I wish to make a brief statement. Three years ago the Association provided for the appointment of a committee to revise the corporation laws of the state. The committee assumed the duty and presented its work to the general assembly. It, with some modifications, was enacted, and the question of whether or not the enactment of the general assembly was vetoed or not was the question which was presented in the report at the meeting two years ago; since that time a petition for mandamus was presented to the Supreme Court and the Supreme Court exercised their discretion and said that while they had the power and authority to assume original jurisdiction, it was not one of those cases where they felt it was incumbent upon them to assume that authority and declined to entertain the petition. It was then presented to the Circuit Court of Sangamon County and upon a demurrer to the petition the case was taken to the then Appellate Court where it has rested for over a year. Recently the House passed a resolution unanimously requesting the Governor to appoint a committee of five experienced lawyers to revise the corporation law. It did not receive action in the Senate, and when the Senate came back to pass or correct an error with reference to the revenue law it was agreed both in the House and Senate, by resolution, that that one matter should be taken up and acted upon. It was not, however, acted upon, because of a lack of a quorum in the Senate. The necessity of a corporation law adequate to the needs of the great State of Illinois is apparent to every lawyer, and therefore, Mr. President, I move you substantially what the general assembly attempted to do, namely, that Governor Charles S. Deneen be requested to appoint a committee of five experienced attorneys to revise the statutes of this state relating to corporations for pecuniary profit. I move its adoption.

THE PRESIDENT: Is there a second to the motion? I hear no second to the motion.

MR. HAMILL: I second the motion.



THE PRESIDENT: Will you read the resolution again, so the body present may be advised of its character?

MR. POWERS: That Gov. Charles S. Deneen be requested to appoint a committee of five experienced attorneys to revise the statutes of this state relating to corporations for pecuniary profit.

MR. KAGY: I would like to ask the gentleman what is the particular need of such a commission? I thought the people's interests were pretty well protected under our corporate law, and the corporations had all the privileges they needed, as far as I could see.

THE PRESIDENT: Do you desire to answer the question?

MR. POWERS: Yes. You go to a foreign state and incorporate and come to this state; you make no reports, are free from corporate tax on the capital stock, have all the privileges and none of the burdens of the corporations organized under the laws of this state. As I understand, the object of the revision of the corporation laws is to enact a law which will harmonize and provide for existing conditions. We have got a corporation law that John P. Root prepared, and which was enacted in 1872 and that has been amended by every session of the legislature, including the last one, in some matters, many of which do not correspond. For instance, we have a provision that when a corporation is incorporated an application shall be made for a license by three men who shall receive subscriptions; those men shall make a report to the Secretary of State, and in that report they shall certify that half of the capital stock has been paid in cash; it does not say to whom. What do the lawyers do to-day? They incorporate a company with a capital of two thousand or five thousand dollars, certify that half has been paid in and immediately move to increase the capital stock to \$100,000 or a million dollars, and no provision whatever requires them to pay in any part of it or all of it. We have got no law that requires a corporation to make a report of its assets and liabilities, or in any way disclose to the public the nature of its business. A foreign corporation comes into this state, files an affidavit of the proportion of the capital which it proposes to use in this state. If you will look over the record of the Secretary of

State you will find that the average of those corporations is \$10,000. Immediately they may include in the business of this state the majority of their capital of millions of dollars. There is no provision whatever that requires them to subsequently increase the amount which they report to this state. The conditions are such that it is to the interest of the state that an intelligent and comprehensive law should be placed upon the statute book. The revenues of the state are nothing compared with what they ought to be because of the incorporations in other states. The traction system that runs over this state with thirty millions of capital is incorporated under the laws of Maine. It is doing a gas, water and electric light business and all kinds of freight business, etc., which are not permitted to any corporation incorporated under the laws of this state. It is not necessary for me to amplify it, but that is the condition which every lawyer who will take a moment to consider knows confronts us, and it is for the purpose of getting upon the statute book a comprehensive law that I make this motion.

Calls for the question.

THE PRESIDENT: Are you ready for the question?

Calls for the question.

MR. SAMUEL ALSCHULER: I have got to raise my voice for a moment on behalf of the Governor. I do not believe we ought to put the Governor of this state in the embarrassing position of probably declining to make this appointment, and thereby possibly put him in the light of being antagonistic to what the mover of the resolution has so well expressed. There is very, very much in what he says, in the shortcomings of the present corporation law of Illinois, but for us to pass a resolution requesting the Governor to appoint six or five lawyers as a commission to revise that law, without making any provision whatever for the carrying out of the provision by way of expense and by way of all those matters that are incident to the appointment and acting of a commission,—we have not the power and the Governor has not that power. Our appeal should be addressed to the legislature, they have the power to provide for such a commission, and then the Governor may appoint one; or the Governor may, when he calls such special

session of the legislature, if he does, or the next Governor if we do not have the same one, when he writes a message to the legislature may include that in the recommendation. But for us, now, to say to the Governor by resolution, we want you to appoint six lawyers to constitute a commission, without making any provision for the expense of such a commission, or anything of that kind, and he not having the power to make such appointment,—and perhaps he would not want to appoint all lawyers on such a commission; possibly some one else would be entitled to recognition on such a commission, I believe they would, and especially in the light of what the gentleman from Oregon has said to us. I think, while the object sought to be attained is a very laudable one, it would be unwise for us to pass a resolution of this kind, and it would be rather unfair to the Governor,—although I have no doubt such intention was not in the mind of the mover. I therefore move that the resolution as presented be referred to the next Executive Committee of this organization, with power to act.

The motion was seconded.

MR. POWERS: I agree with all my friend has said, but I trust he will not charge me with being impetuous, or my bald head with not having had some experience. I have simply placed before this Association, almost in the exact language, the resolution passed unanimously by the House, and as far as an expression was made unanimously both by the House and Senate and incorporated the matter in the one subject that they agreed should be considered at the meeting. I was informed yesterday that the Governor would be very glad to have the corporation laws remodeled and very glad to have this action taken by this Association, and it was upon that information that I presented the resolution that I did.

THE PRESIDENT: Are there any other gentlemen who desire to be heard? The motion to refer it to the Executive Committee has precedence, and the first vote will be on that. As many as favor the reference of this resolution to the Executive Committee will say aye. Contrary minded will say no. The ayes have it and the resolution will be referred to the Executive Committee. Is there anything further, gentlemen, before this body?

MR. EARLY: While thinking over the matter of the photograph I would like to submit a resolution. I move that a vote of thanks of this Association be extended to Hon. Charles J. Bonaparte for his excellent address to us this morning, and also to the Hon. Clarence True Wilson of the State of Oregon, for his most interesting address this afternoon. I move the adoption of the resolution.

The motion was seconded and carried.

THE PRESIDENT: I desire to say that this closes the program for the afternoon; that at 6:30 P. M. the reception and banquet will be held at the Hotel Beardsley. I desire to emphasize the fact that the statement on the literature of the Association, that this is an informal banquet, will mean just what it says; you may wear any kind of clothes that you have that are comfortable, provided you bring a smile with you, we will have a good time.

The program of the meeting was as follows:

THIRTY-FIFTH ANNUAL MEETING  
of the  
ILLINOIS STATE BAR ASSOCIATION  
Organized January 4, 1877  
at the

URBANA—UNIVERSITY OF ILLINOIS—CHAMPAIGN  
THURSDAY AND FRIDAY  
JUNE 22 AND 23, 1911

THURSDAY, JUNE 22

10 A. M.

Secretary and Treasurer's Report.....JOHN F. VOIGT  
President's Address .....WILLIAM R. CURRAN  
Report of the following Committees:

Organization .....WILLIAM S. CANTRELL  
Chairman  
New Members .....CHARLES J. O'CONNOR  
Chairman

Admissions ..... WILLIAM L. ELLWOOD  
*Chairman*

Special Address:

Judicial Settlement of International Disputes.. GEORGE W. WALL

Report of Committee on Uniform State Laws.. JOHN C. RICHBERG  
*Chairman*

2 P. M.

Report of following Committees:

Legal History and Biography..... CLARENCE B. CHAPMAN  
*Chairman*

Legal Education ..... CHARLES L. CAPEN  
*Chairman*

Law Reform ..... EDGAR B. TOLMAN  
*Chairman*

*Discussion: "Amendment of the Law of Practice and Procedure"*

All members are invited to participate in this discussion.

8 P. M.

A smoker will be given by the Champaign County Bar Association at the Elk's Club Rooms in Urbana, Thursday evening at eight o'clock.

A reception for the ladies will be held at this time in the Parlors of the Woman's Building.

FRIDAY, JUNE 23

10 A. M.

Annual Address:

"Judges as Law Makers..... CHARLES J. BONAPARTE  
*Former Attorney General of the United States*

Report of following Committees:

Professional Ethics ..... PHILLIP BARTON WARREN  
*Chairman*

Judicial Administration..... CARL EPLER

Special Address:

"A Woman's Place at the Bar" .....MARY M. BARTELME

2 P. M.

Report of tellers of the election of officers.

Special Address:

"Oregon's Experiment in Self-Government"

CLARENCE TRUE WILSON

Report of following Committees:

Grievances .....WILLIAM F. BUNDY

*Chairman*

Necrologist's Report.....THOMAS DENT

*Necrologist*

Delegates to American Bar Association.....JAMES HICKS

6:30 P. M.

Reception and Banquet.

The members with their ladies are invited to attend the reception and banquet which will be strictly informal.

*Speakers:*

Our Guest .....CHARLES J. BONAPARTE

The Old Time Lawyer.....HARRY HIGBEE

The Young Lawyer.....RALPH DEMPSEY

The Country Lawyer.....HENRY I. GREEN

The City Lawyer.....SAMUEL S. PAGE

Response by the President elect of the Association.

For the Executive Committee,

JOHN F. VOIGT, *Secretary*.

June 5, 1911.

## ILLINOIS STATE BAR ASSOCIATION

## THIRTY-FIFTH ANNUAL BANQUET

Friday, June the twenty-third  
nineteen hundred eleven

THE BEARDSLEY  
Champaign, Illinois.

MENU

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Fruit Cocktail

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Gumbo De Volaille, Printanier  
Breadsticks

---

Stuffed Olives                      Radishes

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Filet of Lake Trout, a la Persillade  
Pommes Brabant                      Iced Cucumbers

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Fried Squab Chicken, Cream Gravy  
Bermuda Potatoes                      Asparagus Hollandaise

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Punch Favorite  
Wafers

---

Combination Salad

---

Frozen Plum Pudding, Whipped Cream  
Petits Fours                      Orange Cake

---

Neufchatel Cheese                      Water Crackers

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Demi Tasse

TOASTS

Toastmaster      -      William R. Curran

Our Guest . . . . . Charles J. Bonaparte

"Right welcome, Sir!

Ere we depart we'll share a bounteous time".

The Old-time Lawyer . . . . . Harry Higbee

"Historic time proclaims his worth

On carven stone and page".

—Morse.

The Young Lawyer . . . . . Ralph Dempsey

"Choose from these lads some bold and subtle boy,

And judge him fitted for this grave employ."

—Crabbe.

The Country Lawyer . . . . . H. I. Green

"That Providence which feeds the sparrow

Protects the lawyer still.

Man is litigious to the marrow,

In spite of priest and pill."

—Grant.

The City Lawyer . . . . . Samuel S. Page

"To live by the bar, you must live like a hermit,

and work like a horse."

—Eldon.

THE PRESIDENT: Ladies and Gentlemen of the Illinois State Bar Association: We always knew that the ladies and gentlemen of the Champaign Bar Association were great people and good people, but it is only within the last two days that we have discovered that they are omnipotent and omnipresent. There has been no good thing in the last two days, seemingly, that they have not been ready to hand over to the Illinois State Bar Association; no good thing that we could look for that one of them had not right at hand to turn over to us. But there is just one thing I discovered they are not able to do, they could not furnish cool weather yesterday, it was absolutely impossible. I made a discovery early this morning; I walked out through the beautiful park just as the sun was coming up over the Indiana line and in that park I discovered a statute in bronze, of an Indian, a dog and a bear. As I came down closer to it I discovered the figure was breathing



a prayer for rain. Lo, and behold, before the day was over the rain came and the cool weather with it. Now, when I looked at the figure this morning I said to myself, "That does not mean anything, it is only the prayer of the righteous that availeth much, prayers in bronze cannot mean anything." But it turns out that it does mean something, and they have actually been answered. At this juncture I am reminded of a story. An old friend of mine had a horse that was sedate and slow,—hard to start. It would not shy at an automobile, it would not scare at anything. It had lived in the neighborhood a long time. A young acquaintance that did not know about the horse happened to be coming by one day as the old gentleman was getting out of his buggy, and said:

"Uncle John, let me hold your horse for you."

"Oh, no, Joe, you needn't hold the horse."

As he walked on the old gentleman said:

"Come back in about half an hour and help me start her."  
(Laughter.)

Now, I have been looking for "Joe" to help me "start her." I haven't seen Joe here, he has not appeared, so I am relying upon the gentleman on my right to "start her," Charles Joseph, perhaps, will "start her," or help to "start her." After the eloquent address of the morning our guest needs no introduction to this audience or to the Bar Association of Illinois, and it gives me great pleasure to bid him welcome again to the board of Illinois, to the board of the banquet of the Illinois State Bar Association. It gives me pleasure to welcome him as an honored member of this Association. We take him to our hearts, we take him upon our roll where he will stand as one of the members of this Association, Mr. Bonaparte. (Applause.)

MR. BONAPARTE: Ladies and Gentlemen, Mr. President: I know it is not polite to look at the clock, at least on the part of the audience, but perhaps it is more permissible on the part of the speaker. I notice that it is about twenty-five minutes past nine, and as my train leaves at eleven-twelve, I think that gives me about an hour and a half to "start her." (Laughter and applause.) What will happen after she is started, I do not know, but in view

of the sex attributed by the President to the thing started, I am sure that the result of the starting cannot be otherwise than a benefit to humanity. (Laughter and applause.)

That story which your President told is a very good story. I thought, however, it was going to have a somewhat different application. I thought he was looking around for a gentleman with the same name as my middle name, to assist in starting me, and I was impressed with the force of the comparison as showing the candor, sincerity and truthfulness of the Illinois Bar. (Laughter.) But I need not say that I was far more gratified, I might say, overwhelmed, at the information which you give me, that I have been taken, figuratively speaking, to the hearts of the company and enrolled, in token of that fact, on the list of your honored members. I will endeavor to be worthy of the honor conferred upon me. I recognize my present unworthiness, but by the time that I come here again to listen to some one else perform the "starting" process at the next banquet which it will be my good fortune to attend as a member; why, perhaps I will be able to make then a better account of myself and better justify the honor you have conferred.

During the intellectual and agreeable part of the proceedings which have preceded my speech, there was some discussion around me by very high authorities on what were the special characteristics of a good after-dinner speaker. Some of the parties to the discussion being judges, a difference of opinion, of course, developed. (Laughter and applause.) But I am happy to say there was one point on which entire unanimity and harmony of judicial views prevailed, and that was that the speech should be short. I noted the views thus expressed in my memory, not in writing, and having been, during more years than it is pleasant to define, before ladies at least,—having been, I say, during a very long time, taught that I should always look up to the judges, and to say anything that I had to say of them which was not complimentary, in the strict privacy of my office (laughter), I therefore propose, in this instance, to act on the advice thus gratuitously given.

What I have just mentioned recalls to my mind a story, as

the story of my old friend and prototype, the old horse, was recalled to your President's mind. We had, in my native city, a gentleman of the Bar who was very well known; he had a very extensive practice and had a very well and long established custom of blarneying everybody in the course of the trial of a case. He generally spoke in terms of somewhat exaggerated eulogy and compliment of the opposing counsel and of the parties he represented, and of the jury, so particularly well suited for the responsible duties they had to discharge, and of the judge who presided with such dignity and such wide knowledge of the law, and all the other good qualities which a judge ought to have at the trial as it proceeded. This old gentleman, on one occasion, was sent for by one of the judges, to hear the decision in a case which had been tried before this judge some little time before, and the decision was against him. When he returned to his office he wrote the judge a letter in which, while stating that of course he regretted for his client the conclusion which his Honor had been forced to reach under the consideration he had given to the case, nevertheless he felt that he must express his appreciation of the lucid and forceful exposition of the law contained in the judge's opinion. He also wrote a note to his client informing him of the result of the case and saying he was very sorry that the case was lost, but "while you have such incompetent men on the bench, miscarriages of justice must be expected." Unfortunately he put the letters in the wrong envelopes, and when he was again sent for by the judge who did not quite understand the meaning of the note he had received, they say the old gentleman was a little embarrassed. (Laughter.) He found some difficulty in discovering the right word to be said in that particular conjunction.

Now, that is an embarrassment, ladies and gentlemen, which a speaker on an occasion such as this is very apt to feel also, when you have been pretty well talked out in the morning, where you have favored your audience with those things which you have accumulated by patient toil for a long time, to regale them with and when you are called upon again to inflict the same process upon the same audience, after having received the suggestion that all of

the proceedings should be marked by brevity and with the observation that, after all, you had not more than an hour and a half to do it in, it is sometimes difficult to really fill up your time. (Laughter.) And in view of that difficulty, knowing that it is a characteristic of this Bar, shared by me in a very imperfect and modest degree, since I have been honored by this adoption announced by your President, to always deal generously with those to whom their generosity may be of benefit, I think, that having performed the process of "starting her" it would perhaps exhibit on my part some of the characteristics which I ought to show to justify my adoption, if I left a little bit of my hour and a half for those who must keep her going after she has been started. And here, again, I am reminded of a story. Possibly some of you may have seen it in Edward Everett Hale's account of "My Double and how He Undid Me"; the story of a man who was employed to represent this overworked clergyman at all sorts of social functions and meetings of committees and boards and so on which he was obliged to attend at a great sacrifice of his time and trouble and with no other notable or appreciable result. He had been carefully instructed as to what he should say when he was called upon to speak. It was a very appropriate statement to be made, for reasons which will be obvious. He was told to say "There has been so much said and, on the whole, so well said, that I will not further occupy the time." This was generally received with approval amounting to enthusiasm. (Laughter.) There has been so much said by me, and a part of what has been said was so well said by your President, that I can only thank you again for the great privilege I have had in being with you, and for the pleasure which your invitation has conferred upon me. (Applause.)

THE PRESIDENT: It necessarily requires an old-timer to meet the demands of the next subject, and about the only place on the map that a really genuine old-timer could be found by the Executive Committee was down in the County of Pike. This old-timer sometimes masquerades; he tries to pass himself off as younger than he is, and a great many of his friends from the County of Pike I hear, call him "Harry," I suspect that is a scheme of his

to make somebody believe that he is just a kid. But the truth about it is, my brethren, he has been a circuit judge and an appellate judge so long that the "memory of man runneth not to the contrary,"—and by the way, his father was an honored judge of the State of Illinois when most of the men here who are on the bench were wearing swaddling clothes, so I suspect that the gentleman to whom I refer is old-timer enough to enlighten you upon "The Old-time Lawyer," and it gives me pleasure to introduce to you Harry Higbee.

### THE OLD TIME LAWYER.

JUDGE HARRY HIGBEE: The personage concerning whom I shall have the honor to speak, passed from the stage years ago, but the influence of his life's labor has surrounded and through legal tradition and printed reports is still binding upon the Bar of the present generation.

He was the forerunner who prepared the way for the lawyer of to-day and old-fashioned and crude as we may now consider him he, in his time, occupied a more distinctive and commanding position than is allotted to us, his successors of the present age, to whom the stories of his life and achievements are possessed of absorbing interest, which is heightened by the tinge of romance now given them.

By reason of my personal environments my remarks must necessarily have somewhat of a local flavor, for I have lived my life in one of the southernmost counties of that portion of the state, known as the Military Tract, because the lands were set apart by Congress as bounties for the soldiers of the war of 1812. The land seekers began to enter this territory in appreciable numbers about the year 1820 and from that time on for many years there was a steadily increasing stream of settlers. For many reasons, not the least of which was the unsettled condition of the land titles, the Military Tract became the favorite hunting ground of that prince of old time lawyers, the circuit rider.

Many the time in my youth I have listened with rapt attention to the tales of the circuit riders. Their sayings and doings, em-

bellished by frequent repetitions, were related by those who had lived and associated with them. Many of the court houses in which they had tried their cases, and the hotels or taverns as they were once called, where they had lodged, all objects of interest, were still in existence. The circuit of which I am one of the presiding judges includes counties which formed a part of the circuit presided over from 1841 to 1843 by that illustrious Illinoisan and great statesman, Stephen A. Douglas; and in Adams County, in my circuit, Judge Douglas made his home during his term of office as judge, while he was a member of the National House of Representatives, and for a time after he went to the Senate. In another portion of my circuit lies the county which includes the site of Old Salem, where lived the immortal Lincoln during his youth and early manhood. There he toiled and studied and prepared himself for admission to the Bar and from there he went to the Black Hawk war and to the legislature. In another county of the circuit still stands the little court house where Mr. Lincoln defended Duff Armstrong for murder, and produced the almanac showing the time of the setting of the moon on the fatal night, upon which he based the argument which cleared his client and formed the most dramatic incident of his practice as a trial lawyer. Other circuit riders there were whose names in the early days were as well known as those of Lincoln and Douglas and whose fame as lawyers at that time was equally great.

One of the very early and the best known circuit riders on the west side of the state was James W. Whitney, who came to Kaskaskia from Massachusetts at an early day and about 1820 drifted into the Military Tract where he held several minor offices. In fact he became so expert in that line that he held the office of county clerk and clerk of the Circuit Court at the same time. He was quite eccentric and was known throughout the state by the soubriquet of "Lord Coke." This name was given him for two reasons: first, because, while he was somewhat scholarly, his knowledge of the law was antiquated for even those early days and he affected in legal argument much of the ancient mannerisms of the writings of Lord Coke; and second, with more reason, I think, be-

cause he always wore his hair rather long and tied in a queue, which gave him in one respect at least some resemblance to the noted jurist whose name was bestowed on him. For years he was a regular attendant on the sessions of the legislature, at Vandalia and later at Springfield. He was possessed of considerable wit and humor and became the self-elected speaker of what was known as the third House or lobby. Unlike the lobby of the present day, the reason for the existence of the lobby or third House of Lord Coke was to furnish amusement for the members of the legislature and others. The entertainment usually took the form of a burlesque meeting of the House, with absurd committee reports and the pretended passage of ridiculous bills. He obtained considerable practice in the trial courts and even in the Supreme Court, and his name will be found as one of the attorneys connected with a number of cases reported in 1st Scammon. One of my treasured possessions is a copy of Breese's Reports published in 1831, which belonged to and was used by Whitney and contains his autograph in the bold, striking style used by him.

In nearly every county seat visited by the circuit rider he had a local partner who between the terms of court sang his praises and collected lawsuits to be tried by his chief when court met. The local man might be a man of mature years who had no qualifications whatever for the practice, for in those days it was an easy matter to get admitted to the Bar, the ordinary requirement being only the recommendation of two practicing attorneys. Or the local partner might be a bright, young, ambitious and capable man, who in time himself became a circuit rider. The circuit rider probably carried with him in his saddle bags on his horse as he rode from county seat to county seat a book of forms and copy of Chitty's Pleadings, but these books were sufficient for his needs.

Almost without exception he was a politician and mixed politics and law continually and in the most scientific manner.

His range of practice was limited, consisting mainly of ejectment suits, trespass suits, replevin suits and criminal cases. His fees for the most part were small in the extreme, so small that his work would appear to the present-day lawyer as largely a labor of

love. What he lacked in the way of fees, however, he made up in acquaintances formed and influence gained, which were all valuable in the furtherance of his political aspirations.

The circuit riders necessarily came in close contact with the judges with whom they rode the circuit and their relations were most intimate. This did not interfere, however, with the due observance of the proper formalities of the court room, so far as formalities were observed in those days. Tradition indeed informs us that in some of the courts, at a very early time, what were considered unnecessary formalities were thrown to the winds. In one instance it is said that when the judge, on the convening of court in one of the new counties, took his seat at the rough desk in the little log school house which answered for a court house, the sheriff proclaimed the opening of court by saying, "Boys, take off your hats, John's on the bench." It is said at a later date of Judge Douglas, who was a small man, that he had a habit when conversing familiarly with members of the Bar in the court room, of sitting in the lap of some lawyer. It is also said that this habit, reported to be not unusual in those days, did not foster disrespect in the least; but it seems to me the custom might have its limitations in case the judge happened to be of the dimensions of the much loved and honored David Davis, also subsequently a circuit judge, whose physical proportions corresponded in some degree to the greatness of his intellect.

Those early judges were men of strict integrity, faithful in the performance of their duties and as a rule clear thinking men of excellent judgment.

In those days there were few local newspapers and the papers from the outside world were infrequent in their appearance in the newer counties; as a consequence the circuit rider, when he came to court brought the news, especially the political news from the adjoining counties and to some extent from the great world beyond the confines of the state.

What an important and intensely interesting time was court week, as the term of court was popularly called, in the rural county seat in the early forties and prior thereto! And it must be remem-



bered that there were then no large cities and all the county seats were really rural communities. There was no event in the whole round of the year to compare with it.

The arrival of the judge and the lawyers who traveled the circuit with him, was a matter of moment. From the time they put up at the tavern until they departed, that hostelry was thrilled with suppressed, if not open, excitement. The local bar and many others were there to meet them. In the evening they sat in the bar room, as the office was then called, around the wood stove or before the open fire place if the weather was cool and spun yarns and discussed politics and affairs of state. Many of them were great entertainers in that direction, but few could rival Mr. Lincoln. Men with no business whatever in court came the first day and remained throughout the week. They sat through the trial of cases and paid the closest attention to all that was said and done. Afterwards at their homes, in the village stores, and at public gatherings, the speeches of the lawyers and their management of their cases, were subjects of intelligent discussion and criticism. The criminal cases attracted the greatest attention and many a reputation, valuable in a professional and political way, was made by a brilliant or adroit prosecution or defense of a person charged with crime. Many of them, bench and bar, local lawyers and circuit riders, were great men in embryo, whose names afterwards became known throughout the state and nation.

Col. Clark E. Carr in his Illini says: "Who that has grown up in Illinois, as perhaps in others of our great states, has not been impressed with the possibilities of influence that may be exerted from some little town or community. In no country of the earth is it possible for rural retreats to develop such strong and able men as ours."

As an illustration of this statement he further says that an old court record recently discovered in Pittsfield shows that in a case once tried in the circuit court of Pike county, involving only about fifty dollars, eight lawyers were engaged, six of whom afterwards became United States Senators. They were:

Stephen A. Douglas, senator from Illinois and presidential

candidate, who in his day was probably the best known and certainly one of the ablest of our Nation's statesmen.

O. H. Browning, who succeeded Douglas in the senate and was afterwards Secretary of the Interior in the cabinet of President Johnson.

William A. Richardson, Member of the National House of Representatives, Governor of the Territory of Nebraska, and successor to Browning in the United States Senate. All three of these men resided in Quincy, when called upon to represent Illinois in the National Senate.

Richard Yates of Jacksonville, War Governor and Senator from Illinois.

E. D. Baker, of Springfield, the gifted orator, Congressman from Illinois, Colonel in the Mexican war, later United States Senator from Oregon, who was killed at the head of his regiment in the Union army at Balls Bluff early in the Civil War.

James A. McDougall, of Jacksonville and Pike county, Attorney General of Illinois and subsequently Senator from the State of California.

Small wonder is it that the whole countryside should turn out to see and hear those men, then winning their spurs in the preliminary battles of life.

One of these, Hon. O. H. Browning, I myself saw in court, in his latter years. He appeared in court dressed in a faultless suit of black. His coat was the old-fashioned so-called claw-hammer, while his snowy shirt was embellished with a large ruffle. His manner was delightful and his words well chosen. All in all he was the ideal type of the old time polished gentleman, distinguished statesman and learned lawyer.

The old time lawyers had a code of ethics all their own and suited to their surroundings. They were strong in argument and not infrequently in addressing the jury devoted as much time to making an impression on the crowd in the court room outside the bar as to the men in the box. They were hard hitters and generally said what they thought, and the sincerity of their words was not lessened by their subsequent friendliness when they met in the evening in the assembly room at the tavern.

In some respects the old time lawyer had advantages which we do not enjoy in so marked a degree.

He was the pioneer and blazed the way. Text books and printed reports of decisions were few in number. Prior to 1846 there were only five volumes of the Illinois reports issued. When an important question was presented to the pioneer lawyer, he, as a general rule, could not turn to the reports as we do, to learn how the same had been decided by the courts, but he had to study it out for himself. He would go to his office, not always maintained with any pretense of neatness, tilt himself back in his chair, with his feet on the little pine table or the hearth of the wood stove, light his pipe or more often take a generous bite of tobacco from the plug he carried, and then he would sit and smoke or "chaw" and think until some theory applicable to the case was evolved. Sometimes he had to thus sit on a case for many days before he arrived at a satisfactory solution, but that did not make much difference as time was not so very important then. When court met he presented his views on the subject to the judge, and some other lawyer who had arrived at a conclusion more or less divergent, would present his. When the presiding judge had given his decision, perhaps the case would go to the Supreme Court, and a precedent would be established which binds us to this day. We only have to ascertain and follow the precedent he invented and caused to be established.

In those early days, in the rural communities then existing, the influence of the lawyer was great and always recognized. The mere fact that he was a lawyer gave a man position and caused him to be looked up to. He was consulted as to all matters affecting the welfare of his community and his words generally determined them. The lawyer, the preacher and the doctor were in those days the gentry in every rural community, and the greatest of these was the lawyer. He was the leader in all things.

His influence was not, however, confined to his own community, but was equally felt in the state and nation. The lawyers went to Kaskaskia, to Vandalia and to Springfield and made the laws for the state of Illinois, and their brethren went to Washington and made the laws for the Nation.

A different atmosphere seems to pervade the halls of both houses of our National Congress now, particularly the Senate.

The captain of industry and the successful commercial business man have, to a considerable extent, succeeded to the seats once occupied by the old time lawyers.

To my mind this change is not for the better.

The captain of industry, the successful business man in commercial pursuits, are most valuable factors in the development of the material resources of the country and the accomplishment of great enterprises, but their peculiar talents and abilities do not always tend to make them safe or broad-minded lawmakers. Their thoughts and labors have been directed to the attainment of financial success in the particular lines in which they have been engaged and they do not readily appreciate the true significance of many measures which affect the welfare of the whole people.

The old time lawyers studied and had broad views upon questions of national importance. They understood and loved the constitution. They moulded public sentiment and dictated policies. The great issues which absorbed the country before the Civil War were all fought out on the stump and in Congress by these same lawyers, and many of them went into the armies as leaders to help finally determine them by the arbitrament of battle. Such were some of the characteristics of the old time lawyer. To him we owe a debt of gratitude. Peace be to his ashes, all honor to his memory.

THE PRESIDENT: It is only a little while ago that within the confines of the State of Illinois there were a number of new, bright signs; they were not so expensive as you now see displayed; some of them read, "A. Lincoln, Attorney at Law;" "Leonard Swett, Attorney at Law;" "David Davis, Attorney at Law;" "Stephen A. Douglas, Attorney at Law;" "John A. Logan, Attorney at Law;" "John M. Palmer, Attorney at Law;" "Richard Oglesby, Attorney at Law," and hundreds of others, many of whom have become famous and have occupied national notice since that day; and they were all young lawyers then and no prophet would have been so bold as to say in any place that they would occupy the

place in the history of Illinois that those names and many others that we might mention, occupy today. Therefore, we cannot tell, as we look over the names of the young lawyers today, how far their flight may take them or to what heights they may mount. The future judges of the Supreme Court of the State of Illinois, the Circuit Judges and Appellate Judges of the State of Illinois are now present here at this board, and it gives me pleasure, my friends, to introduce to you Mr. Ralph Dempsey, one of the young lawyers of Illinois, to respond to the toast "The Young Lawyer" (applause).

### THE YOUNG LAWYER.

#### RALPH DEMPSEY.

Some of the members of this Association have lived beyond their allotted three score years and ten ; others, constituting the main body of this organization perhaps, are passing through that period in life which separates youth from age ; many have but crossed the threshold of a legal career, with their life's work no more than begun. And while it is of the latter that this paper is to treat, if to those whose course is almost run, and to those who are carrying the heavier burdens of busy mature years, it shall revive the memory of the time when they were young lawyers, and not unpleasantly recall past trials and cares which years have dimmed over or caused them to forget, some good may come of it, in that those who, in their rush for the goal, have heretofore trampled upon the young lawyer, and then pleaded ignorance of his presence, shall be hereafter estopped to deny the existence of a class whose miseries are here dragged from darkness and exposed to public view.

From afar off, in that period which pictures a lawyer as one who, to win his way to fame and fortune, has but to prance and strut before a jury, and who to carry conviction and secure a favorable verdict, has but to bellow and roar into the ears of his auditors, the life of a lawyer seems ideal, embodying all that hopeful youth could desire, a paradise without a flaw. And the years of study preparatory to admission to this land of promise, cast few shadows

upon the pleasing outlook, first conceived. True there appears some need for work, some call for incidental toil in the life of the lawyer, but the haze of time which intervenes between the student and the drudgery of later years, so completely obscures the prospective view that slight opportunity affords itself for a true conception of the future and its troubles, which do become intensely real as they confront us. As a student, one may hear it said that the legal profession is overcrowded; one lawyer may brand another as a jackleg or a shyster, for lawyers are ever given to abuse of one another and are horrified that the public so readily adopts their opinion of each other as correct; some dyspeptic may warn that success is not so sure and rewards so great in this chosen field; but these generalities which reach the students' ears are readily banished or treated as exceptions, and in no wise cloud this paradise conceived in the ignorance and inexperience of youth.

Time however soon makes the future of tomorrow the present of today, and the youth who comes so joyously to enter the profession soon finds himself within a serious paradise; ere long gravity falls upon him, decorum clothes him, and despair perhaps envelops him. The flower that budded yesterday seems like to wither and fade ere it blooms at all. The happy dream of youth's ignorance grows dim, and anticipation crowded with hope is supplanted by realization filled with despair. An early frost seems to have destroyed the fruit which imagination creasured as so bountiful.

How well it is that, since be met it must, this shock is encountered in youth, for then when each day is but a day unto itself, little matters possible distress of tomorrow. It is youth's heritage that each day shall dawn rich with hope and great expectations which even the gloom of present want cannot subdue; that for us the sun shall look fresh each morning as we rise to think, hope, struggle and perhaps suffer. Far distant is the day where the sun however bright shall have ceased to shine for us, when to arise is but to suffer and to meet distress, when that which springs eternal in the human breast is more often despair than hope. In truth, youth's ignorance is bliss twice over, and 'twould be folly to be wise. Yet, with the wisdom of his own conceit, the young lawyer, counted in thousands,

comes each year to struggle for his place; with deep consciousness that he is called to aid in seeing that justice be done, with high ideals and firm purposes, full of hope and eagerness, he will have traveled some distance along his allotted course, before his real status, his insignificance and his minuteness shall have fully dawned upon him; for as surely as the woes of childhood are real, the trials of the young lawyer are severe. The starvation period, spoken of so lightly by our well-fed elders hangs over us as a dark cloud, and as heaven's clouds not rarely cause the traveler to abate his course or choose a more sheltered one, so the clouds which cast their gloom upon the young lawyer often cause him to abandon the law for pursuits where more certain returns come at fixed intervals.

It seems at the time unjust fate which deals so harshly with the young lawyer; when one is of an age to best appreciate the light opera, when trousers of the latest cut and a coat that's just correct, are the heart's delight, a scarcely budding law business refuses to be coaxed into bloom; the law seed planted with so great care, at no small expense, refuses to germinate, and he who would adorn himself with fashion's best must oft be thankful that last year's coat is long enough to hide the wear of trousers still more ancient. He is as one admitted to the banquet room and not allowed to sup; a Lazarus who would gladly feed on the crumbs which his elders brush aside; a patient Job whose mind is sore afflicted with ulcers of distress; a ship bent on a voyage of years with provisions for but a few days' cruise. And the wolf which has taken his station at the door is not of flesh and blood, and can neither be driven off nor lured into a trap. The young lawyer's troubles are intangible, like as many ghosts, but like incorporeal hereditaments pertaining to and growing out of the tangible and the real. It seems hardly possible that reared in moderate plenty, there could come this present want. What immense proportions the smallest legal tender note assumes! As things most commonplace pass out of reach how almost enchanting they become! The awakening comes at last, and, struggling to retain our uncertain place on the first rung of the ladder of success, our self-importance which did long since attain the top, climbs quickly back to hide within us. The serious period has indeed ar-

rived and Barkis who is so willing to practice law is forced to admit that the public does not take seriously his advent into professional life. Another struggle to attain the moon has ended by an em-brasure of the gate post.

Hard work and patience, perhaps the two most necessary elements for success in the law, are reasonably certain to bring due reward, and the early years of tribulation serve as the test of our fitness of life's larger tasks. Lincoln in response to a letter from a prospective law student said that the mode of obtaining a thorough knowledge of the law was very simple, though laborious and tedious, and that "work, work, work is the main thing." True in 1860 when it was written, it is not less true today. However much the young lawyer may fitly pray to be carried to the skies on flowery beds of ease, if he would reach the heights or even mediocracy in the legal profession, and if he would fit himself for the most ordinary tasks it can be only by work, work, work.

Trying each day to better fit himself for his work, he has no time to waste. No day is so long but it is too short for him to surmount the obstacles ahead. Thrown into a nervous sweat when called upon to draw a simple deed, spending hours over the wording of a business letter, unable to distinguish a *praecipe* from a share of mining stock, he may be expected to digest a legal proposition with about the same ease that a toothless man masticates a tough steak. Taking himself seriously, as no one else does, he may master the smaller obstacles which beset his way, and in time learn to take money from a client with almost as much ease as an old practitioner. But the pathway which leads to his door is traveled mostly by the poor, and he has little to expect in the way of large fees. Any dreams of sudden wealth are like to vanish ere his freshly painted sign is dried; the poor man's lawyer, his retainer is the widow's mite, and how often is he told in a given case that he has been sufficiently paid in experience. Disappointments constantly attend him, and the young man who seeks ease of body and peace of mind should have himself vaccinated against the law business. Oppressed with numerous wants of his own that he cannot satisfy, is it any wonder that a tainted fee sometimes tempts him? Disap-



pointed today in the hope of yesterday, advancing so slowly that he seems rather to recede, noting the seeming gain of others more crafty, and with no regard for methods, the way seems at times extremely hard. Defeated in a trial where victory should be his, when opposed by counsel skilled in the art of befogging the minds of the jurors, he sometimes wonders if there are not more stage lawyers off the stage than on, and again, unable to get to the jury with his cause, he feels at times like poor Smike who used to tap his forehead and say, "You might knock here all day and find no one at home."

However diligently he may seek the rule of success and however earnestly he may apply it, this does not apply the actual needs of the body during a period when clients, however numerous, are not his. Study of the latest Supreme Court decisions or of the oldest fundamental principles only produces fatigue which present income cannot alleviate. Patience has no present market value and cannot be exchanged for food and clothing; banks do not take it as a form of security. Needful element as it is, it is like an estate in expectancy upon which we cannot realize. If only there were a clearing house that the checks of patience would go through, how independent might the young lawyer be! Compelled to meet the absolute needs of the body, expected to have walls lined with books, called upon to contribute to this church and that foreign mission, to aid the campaign fund, to help every public charity, to belong to clubs, and perhaps defeated in the race for office because he has not a wife and half a dozen children—all this at a time when his income would drive a hod-carrier to strike, it seems to resolve itself down to this: that the world expects everything from the young lawyer and has nothing to give in return. Loafers gather in his office and fondly imagine they have kept him from getting lonesome. The man who creeps into Judge Blank's office with a thousand dollars worth of business and an air of one who expects to have the dogs loosed upon him, will bolt into the young lawyer's office, with no business in hand, and arrange himself in a state of repose among well-ordered papers on the desk, and proceed to shine his trousers on the scanty furniture for half days at a time, unconscious of the

fact that he not only keeps the young lawyer from work but drives him to silent profanity. It is remarkable how many friends a young lawyer gathers about him within a few months after he arrives and how little business they all have.

Abused in many respects and his time squandered by thoughtless people, the young lawyer soon learns that while his opinion is constantly sought, it is paid for at the value a parasite places upon it—nothing. With many the impression prevails that the payment of a small fee for legal services carries with it the purchase of both time and soul. So often, sad to say, be the lawyer young or old, the client is not disappointed in this respect. The most trusted and perhaps the most distrusted of all men, the lawyer from the very commencement of his career undergoes a continual trial of fire and it is too much to expect that all should come out unscathed.

One hundred and fourteen law schools had in attendance over nineteen thousand law students in the year 1910, and the graduates that year numbered over forty-two hundred, an increase of almost one-third over the preceding year. In law schools, with the exception of the law departments of about one dozen universities, admission is readily granted to graduates of high schools. There are a number of law schools which have courses of only one and two years; while a greater number have a three-year course. Some few require a given amount of college work on the part of those seeking admission, and during the year 1909-1910 there were enrolled in one law school 765 students, all except six of whom were college graduates. With this lack of uniformity of requirement for admission, and with each state fixing its own standard for admission to the bar, there can result no uniformity among the young lawyers. To the credit of our law schools, it can be said however, that with all the varying of standards and in spite of the open door policy to many of the states, few emerge from the schools and seek admission without the feeling that they are at the gateway of an honored profession, where the standard of both private and professional conduct should be high, and where the burden of assisting in the administration of justice is one which the newcomer should ever try to bear. As the child intuitively honors its parents and can ascribe no evil

to them, the lawyer newly admitted to the bar, passing from the best influences of a well conducted school, looks upon the profession of the law as second to none, honored by those who comprise it, and who are engaged in making our human laws an approximation to the divine law. And here again it is with regret that the young lawyer must come to recognize the error of his first conception; to realize that those upon whom this burden is cast, have so often perverted their better selves and helped to contaminate so often rather than to elevate. We may parrot the phrase "honored profession"—a phrase now seldom used except by lawyers, but let young and old alike do their fair share in making our profession deserve the appellation. To boast and brag and heap laurels on ourselves is but to fall to the level of one whose chief glory lies in his illustrious ancestry.

Early training tends to make of the young lawyer the first citizen, and why should he not in development attain the fullness of his growth? The opportunity lies with each in a great measure to choose what path he will, to adhere steadfastly to the higher standards and in keeping his own name above reproach so tend to elevate his chosen calling.

Lincoln gained his first knowledge of the law while he kept store at New Salem. "When not waiting on customers he could be found lying on his back in the grass with his feet propped high against the shady side of a tree trunk; his lank body slowly squirming about to keep out of the sun, and his mind so absorbed in Blackstone that he seemed wholly indifferent to business." Thus this raw frontiersman, the product of the log hut, without early educational advantages, enduring privations and want, builded the foundation which the trials of later years tested so severely. Living the life of one who made his profession one of honor, not of lucre, unable to face a jury unless he felt the justness of his client's cause, fighting with earnestness in behalf of right, what an inspiration comes to the young lawyer from the study of so noble a career!

Perhaps history has dealt kindly with us in leaving unwritten many unpleasant details of an earlier period; the profession of the law may have receded in some respects, surely it has advanced in

others, but that there is room for larger growth and that no little danger is to be feared from the growing spirit of commercialism which has tainted our profession, there can be no doubt.

Shakespeare makes Hamlet protest against the law's delay, and after centuries have passed we have the problem with us still; the law itself, the courts and the lawyer stand at the bar of public opinion most harshly criticised if not condemned, and some taint of guilt may be inferred from the fact that they have been driven to the defensive. If this wholesale public criticism is unjust, time will clear the profession of the charge; if just, the young lawyer must not be content to "follow a multitude to do evil." The profession in its entirety can be no better than the members who comprise it, and the young lawyer who, as often is the case, struggles through a law course unassisted, and then endures a period of from two to ten years, with want and despair as his constant attendants, only to look lightly upon his duties as a lawyer, once solid ground is gained, must sometime come to realize that his has been effort worse than wasted.

History writes of nothing material that is to endure, but of those who have striven for the ideal, time will ever devote its choicest pages. To the young lawyer, passing by slow degrees from youth to maturity, from the unskilled to the trained, from the state of being a young lawyer to that of being an old lawyer, and finally coming to that period where little remains but memory, there is given the power to make that memory a joy if he wills; to make the retrospect bright, with the sense of having been a lawyer above a code of legal ethics, and of having led an honorable career, however obscure may be his name, and, finally, in enjoying the satisfaction which springs from a sense of duty well done, he may hope to reap a fair measure of the harvest of contentment for himself and at the same time reflect just credit upon the profession which he honors.

THE PRESIDENT: It pleases us all when we are for the plaintiff, have a good case, to go to the country, and it pleases us to go to a good country to get a good country lawyer to respond to the toast "The Country Lawyer." It gives me pleasure to introduce Mr. Henry I. Green, of the Champaign County Bar.

MR. GREEN: When I first received a request to respond to this toast I thought that I had been most fortunate in the selection of the subject assigned me, and I immediately wrote to the President of this Bar Association extending my thanks for relieving me from the duty of selecting a subject. But as the time for this meeting came on, and I got to thinking about this banquet, I began having untold difficulties in determining to just whom this remarkable distinction, "the country lawyer," should be applied. Now we people in the country, or "down state," fully appreciate the great distinction that attaches to a residence or business address in the great city on the lake. So that of course we all agree that any lawyer practicing his profession in Chicago is automatically eliminated from the purview of my subject. At the risk of violating the etiquette of this occasion I wish to advise those of you who remain (laughter), that the gentleman who is to follow me on this program, and I, have agreed that so far as our remarks were concerned we would exchange subjects. He said that if I would proceed to roast the city lawyer he would try to do the same thing to the country lawyer, but I told him I could not fill my part of that contract without telling the truth, and I did not expect him to do that. (Laughter and applause.)

But this subject, "The Country Lawyer," necessarily requires that we talk a good deal about men; I am going to try to avoid that as much as possible, but without a bit of sarcasm I want to here remark that we people in the country or "down state" occasionally see men who get stage fright when they are suddenly confronted with the stately presence, the lordly air, the princely bearing, the highly intellectual poise of a city lawyer; but I have generally observed that these timid country gentlemen, of whom there are but few, usually recover before the law suit is finished, and, some way or other, our country jurors, and I believe our courts, still have considerable confidence in the wisdom and ability of the country barrister. The reason of this, I believe, lies in the fact that the legal advocate of today—I almost said the more successful legal advocate of today—was but yesterday, perhaps, employed in the harvest field or in the country school-

house or the corner grocery, or perchance, upon the tow path; and some way or other (without being quoted as a stand-patter and not progressive), in my judgment, the American jury, which in spite of all recent and past decisions to the contrary, is, I believe, the final arbiter of the rights and liberties of the citizen,—the American jury is prone to trust the man with whom perhaps they have played hookey and gone swimming and husked corn and broken bread, and the country barrister, in my judgment, is living true to his promise, true to his duty and true to his heritage about which we have heard so much tonight from Judge Higbee.

We have all known some splendid lawyers and jurists who came from the country, who were born in the country, reared in the country, educated in the country and practiced law in the country, that is, I mean outside of Chicago, or Peoria, or Pekin, or Springfield, or Danville, or—well, if I eliminate any more some of my country brethren will get jealous. You see I had to include Danville because they have a federal court over there, in a splendid new federal building,—speaking from the standpoint of a country lawyer,—the result of the activities and efforts of that brilliant but plodding lawyer-statesman who first rose to prominence as District Attorney for Champaign and adjoining counties, and whose success is typical of that degree of stalwart American patriotism that is not swayed from its line of duty by the temporary glamour of mushroom heresies or misguided reform;—a man who has the courage of his convictions; not always right, perhaps, but always honest and true,—the gentleman to whom the eighteenth judicial district is indebted for having a place on the map beyond the purview of my subject, our own fearless, courageous, faithful, corn-fed Uncle Joe Cannon, of Vermilion County (applause).

Every community having a federal court must be called a city, yet I remember when the President of the United States was to select a man to dignify and honor the bench of the United States Court for the eastern district of Illinois, he came out to Champaign County and selected a man who had been a country lawyer, as the presiding Judge—the Hon. Francis M. Wright, of our own bar

(applause), whom we all agree has been and is an honor to the government he represents.

It is interesting to think about the individuals that have made the name "The Country Lawyer" a cherished heritage, and these meetings bring to our mind a galaxy of names written upon the nation's history, of men who were country lawyers; men whose services to this government have stamped them not only as country lawyers but as the "country's lawyers," the "nation's lawyers": Judge David Davis, whose name has been mentioned, and who came from the locality in which tonight we banquet, and finished his career upon the supreme bench of the United States; Judges Wilkin and Phillips of our own State Supreme Court; the immortal Lincoln, and a great army of judges and lawyers who have been the pride of the state, and whose successes have been enveloped with the rich memories of a country lawyer's office, where came the natives of the prairie with the perplexing problems of the development of a great commonwealth; and upon the structure which these men made, has this commonwealth been builded. The country lawyer in his office has made much of the proud history of this state. I have been told that in the office of the country lawyer occasionally politics have been discussed; political campaigns have been launched, political victories won, and upon occasion it is said, sympathetic political condolences exchanged.

The country lawyer has had his share in the toil and the labor, the suffering and the sorrow, the joy and the reward incident upon the task of developing and subduing this land of ours. The work of the country lawyer has been a constructive work; he has had to bear slight responsibility for the crimes of high finance. His part in the development of this commonwealth has been along lines which add to the wealth of the world, and to his door small censure can be laid for the organization of those enterprises which have recently brought certain distinguished citizens into great newspaper notoriety; to the city lawyer we give that credit, and we are charitable to that extent. The country lawyer has been concerned but little with the distribution of the world's wealth.

The country lawyer is to be judged by the average of his class.

Any class of citizens is to be judged by the average of its class. We have heard a great deal of talk about the bad citizens and the good citizens, but in my judgment the average country lawyer, with all due deference to the gentleman who will follow me, and who probably will disagree with me (being a lawyer), the average country lawyer is about as able and honest, and I believe as prosperous, as the average city lawyer. The average country lawyer is not jealous of the success of his competitor; he is willing that he may work as many hours a day as he likes and his constitution permits and his business justifies, but he must not brag of his business. As a rule he is too busy to take very much interest in the local bar association, and if he has not sufficient business to keep him busy practicing his profession, he may hear and heed the call of the farm and join the advocates of the independent life and go to raising grain and vegetables. I once knew of a lawyer who explained his removal from a small country county seat to a large city, by saying that in his early youth he had practiced law, but owing to a lack of appreciation of his ability by the people in his community, he had devoted ten years of his life to raising corn and cabbage and grain, etc., until he had accumulated a little money, and now he intended to leave the scene of his recent activity; he was going to quit raising grain and vegetables; he was going to the city, open a law office and raise hell. (Laughter.)

As a rule the country lawyer is not as belligerent as the city lawyer, but he is not as bad as a witness who once testified for a friend of mine. My father and I were defending a man for assault with intent to commit murder. We undertook to impeach the prosecuting witness. I may say the prosecuting witness was a man,—not a woman,—else we would not have tried to impeach him. We put a witness on the stand, a German. He qualified, and said the general reputation in the community where he resided, for truth and veracity of the prosecuting witness, was very bad. The State's Attorney took him on cross-examination, and said:

"You don't like this man very well, do you?" referring to the prosecuting witness. The German replied:



Vy, yes, I likes him all right."

"Why," he says, "isn't it true that you have got it in for him."

"Vy, no, I got notting against him."

"Say," said the State's Attorney, "isn't it true that you had trouble with this man and ordered him off your place and told him never to come on it again.."

Vell, he runned away mit my vooman, but I have no trouble mit him." (Laughter.)

Gentlemen of the Bar Association, the cities of Champaign and Urbana have been greatly honored and gratified at your presence among us; and simply as a spokesman in part for the great army of lawyers that make up this Association in Illinois, I believe you join me in this sentiment that a lawyer true to his profession and true to his oath should indulge:

"Thou too, sail on, O Ship of State!

Sail on, O Union, strong and great!

Humanity with all its fears,

With all its hopes of future years,

Is hanging breathless on thy fate!"

THE PRESIDENT: About all the good things the city has it gets from the country. Within fifty years, more or less, in a county in the State of Illinois was a city that I have always estimated had one hundred thousand people in it. The census, of course, only read five hundred, but the balance of the population was made up of my friend Ellwood, and my friend Ray, Adlai Stevenson, afterward Vice President of the United States, Simeon P. Shope, Justice of the Supreme Court, and the Page family. At that particular time, or some time after, in the little town of Matamora, there was a little sign hung out and on it was written, "Samuel S. Page, Attorney at Law," and while he was a country lawyer he became the leader of the bar of his county, the ermine of the bench fell upon his shoulders, and he finally listened to the call of the jungle at the upper end of the state and went to be a city lawyer. He has been there a great while, he is right on the firing line of his choice, and he is here tonight to tell the story of what he knows of "The City Lawyer." Samuel S. Page, of the city of Chicago. (Applause.)

## RESPONSE BY MR. S. S. PAGE.

"TO LIVE BY THE BAR, YOU MUST LIVE LIKE A  
HERMIT AND WORK LIKE A HORSE."

That is gospel truth, especially as to the city lawyer.

But I think I ought to speak for the "country lawyer." Raised on a farm, I graduated from the grass into a law office in a country village. I took the then prescribed course of two years' reading, and during the first year did the farm chores night and morning. At the office I made a wood fire in the stove and did the sweeping, after sprinkling the bare and dusty floor with the old tin spray-spouted sprinkler. During the two years I taught one term of a country school.

Through the indulgence of the Supreme Court I was admitted to the bar.

To try my first case, I drove seventeen miles "across country" to a justice court, then back again; charged \$10 and expenses, and waited two years for my pay.

One of my first services was drawing a deed for a fellow "countryman"—charged \$1.50 and got it in six months.

I found that "advice" was generally regarded as mere "talk," not expected to be paid for.

One farmer friend got my "opinion" for nothing by an ingenious if disingenuous ruse. He said: "My brother Wash. and I got into a dispute on a point of law. I bet him a cigar I was right, and we agreed to leave it to you to decide the bet." I, good-naturedly, decided it. I think Wash. got the cigar; I got nothing.

In those days, in this land of "hogs and hominy," clients frequently promised to pay when they sold their hogs or corn.

No matter how hard you worked to earn the fee, the man who paid it often seemed to feel that the payment was in the nature of a present, and put you under everlasting obligation, subject to his call for any amount of advice without pay.

Speaking of presents, I recall but one that I received while a country lawyer. A German client, with extravagant professions

of personal regard, presented me with a bucket of *sour kraut*. I accepted it with as much grace as I could; but a few days later he appeared and said that his wife was a very "funny" woman who insisted that he get pay for the kraut! I paid.

My office hours were from 7 to 12 and from 1 to 6, but why, I don't know, unless it was the "custom of the country."

By and by I went to the city, which in this case means Chicago. I have often been asked by country friends as to my first impressions of the City, how its lawyers get business, the number of courts, how business is handled, cost of living, and lawyer's fees.

#### FIRST IMPRESSIONS.

There, at first, one is impressed with the immense bigness of the City, the great amount and variety of noise; the feeling of being a stranger. On the street, not seeing a face that you know, or anyone who cares whether you live or die; and where everyone ignores your existence unless you get in his way. For a time, one feels a sense of great loneliness; you feel that you are *in* the City, but not *of* the City.

#### GETTING BUSINESS.

In the City, as elsewhere, there are many methods of making acquaintances and friends, and through them, getting business. Some do this through church and kindred relations; connection with various secret or fraternal orders; some make great use of clubs, political, professional, and other kinds; some seek influential social connections; some organize societies of various kinds, and become the head or a prominent member thereof; some obtain partnerships with lawyers having established business; some become office attorneys for banks and other corporations, and some go into politics.

#### COST.

The cost of living and of doing business in the City is in many cases almost double what it is in the Country.

#### THE COURTS.

In Chicago there are three Federal Courts; the State Appellate Court; Criminal Court; Juvenile Court; County Court; Pro-

bate Court; Circuit, Superior Courts, and Municipal Courts. Most of these courts have a term every month and are presided over by sixty judges. Last week, there were nine additional judges holding court for us. Besides, there are three Federal Masters in Chancery, two Referees in Bankruptcy, and twenty-six Masters in Chancery in the State Courts.

So great is the number of cases subject to daily call that two daily papers, one for the Municipal and one for the other courts, are devoted to the publishing of a list of the courts, the judges holding them, the daily call of cases and proceedings therein.

Imagine the amount of vigilance and the facilities which every lawyer having cases in the different courts, must exercise and have merely to watch them and keep track of the proceedings therein.

A young lawyer from the country, who was in my office for a while as law clerk and general assistant, soon declared that it required "more legs than brains to practice law in the City."

In Chicago there are more than five thousand lawyers, including women practitioners. The latter, though small in number, are a very important element of our bar.

Legal fees vary so greatly that it would be practically impossible to give any estimate as to the average annual earnings.

Some do not make a living from their practice, but eke out by doing other lines of work, while some do an enormous amount of business and earn a corresponding amount of fees. I have heard the average annual earnings placed as low as \$2,000, and of single fees of \$50,000 and upward.

#### WORK.

The City is a mighty center of legal work.

Here is a tremendous aggregation of steam and street railroads, packing plants, lake and river traffic, almost every conceivable kind of manufacturing institution, great wholesale and retail commercial establishments, countless warehouses, stores, shops, trades and industries, stock and grain exchanges and banks. The City's population comes from all parts of the world, and its business relations extend to all parts of the world. It is easy to see that under these conditions every conceivable variety of legal questions

is likely to arise and upon the decision of which may depend consequences most important; so that here is ordinarily a greater degree of responsibility upon the lawyer.

Big business breeds big men.

The law of demand and supply applies to the legal profession. This accounts for there being so many splendid and able lawyers and judges in the country, and, because the field is so much larger and the demand so much greater and more constant, that there are proportionately so many more in the City.

In fact, this urgency of demand in the larger and more strenuous field of the law has drawn to the City many of the brightest and best minds of the Country. Many of the ablest and most successful City lawyers were Country bred. Some of the best judges who ever sat upon the bench in the City have, from time to time, left their Country Circuits and come to help us out. One of our present Supreme Judges did this; another, Judge Philbrick, did so; before he was a judge he left his country residence and became a distinguished practitioner at our bar; but the lure of the Country called him home, where he was later elevated to the appellate bench. Another Country-bred boy yielded to the call of the great City and has been held in its thrall ever since. He is now the Chief Justice of our Supreme Court.

These men have all been great workers.

Every successful City lawyer must be an extremely hard worker. The numerous courts, the multitude of legal questions arising, the imperative need, at times, for quick action in matters of the utmost importance, keep him at high pressure, often day and night, for weeks at a time.

The legal field is so broad that many lawyers devote themselves to specialties, such as interstate law, admiralty, commercial law, torts and criminal law.

The Country lawyer I think is, generally speaking, a more careful lawyer than those of the City, excepting the specialists.

The Country lawyer is often an orator, but the City lawyer as a rule is not. In his case, the audience is generally only the judge, jury, and those interested in the case on trial; the time for speeches

is limited, and there is little or no time to indulge in flights of eloquence.

The City Lawyer, especially, needs to be not only well versed in the law, but have a good understanding of business principles and conditions. An immense amount of the advice he gives, and the work he does, has a business as well as legal aspect. The Country lawyer has fewer terms of court and more leisure to enjoy life. The busy City lawyer, much more than his Country brother, lives an isolated life. His faculties and energies must be so devoted to his legal labors that he has but little time or strength for the enjoyment of social life, vacations, or intellectual pleasures, not connected with his profession. He must indeed "live like a hermit and work like a horse!"

But he has some compensations, especially if he loves City life and can have some time to enjoy it. Good lawyers are the salt of the earth; and nowhere is this fact more appreciated than in the City. There is no place where legal learning, character, ability and integrity count for more. The opportunity for association with many such men is one of the great advantages of the City lawyer.

When I went to the City, there were still living such men as Judges Blodgett, Gary and Tuley, Luther Laffin Mills and Lyman Trumbull.

In the City, too, one finds the best that there is in the pulpit, press and the lecture field; and of theatrical and other entertainments. He comes in contact with big and brilliant men in his own and other professions; has access to great libraries, museums, art collections and institutions of learning. He meets with people who are at the top in their profession, business and trade; authors and scholars; leaders of thought; men whose minds are widened by study, travel and experience, and from whom one may derive pleasure and instruction and thereby have his own mind widened, his spirit quickened and his soul uplifted. He comes into intimate relation with and has a part in the upward progress of life, the forward movement of the world.

It is a great thing to be in the midst of great things! To my

mind, the place where so much of humanity is massed, and where the mighty forces of commerce and business, of professional, social, political, educational, and religious life move constantly with such directness and power, appeals most strongly to the spirit of man. For, in the great City, with all its vileness and vice, meanness, misery, poverty and crime, there also abound virtue, honor and nobility of character, and a thousand forms of forces and influences aggressive for good.

While at this season of the year the physical beauty of the Country delights us, yet, even in the City, we have beauty, too, in magnificent public buildings and artistic homes; beauty in the many fine, broad avenues; in the magnificent system of boulevards, unequaled in the world; beauty in the majestic lake that spreads before the City like a sea, and visions of beauty in the splendor of our parks in winter and their glory in the summer

To live in the Country is good—to live in the City is great!

**THE PRESIDENT:** There is a difference between sunset and sunup; sunset goes down in red and the light goes out and the shadows gather and darkness and forgetfulness follow. Sunup comes and brings the rosy dawn and advances to the point of high noon. You, perhaps, are looking at a sample of sunset now; I will show you sunup in a minute. Our neighbors, the Britons, made a King yesterday out of the raw material, but the British state does not have a steadier hand nor a clearer mind to guide her than the Illinois State Bar Association will have in the coming year. A good angel hovered over the christening of this new President. Horace stands as an exponent of his culture; Kent reminds us that he is one of the best lawyers of his day, and Tenney reminds us that he is one of the best fellows in the Association. (Applause.)

**MR. TENNEY:** Mr. President, for I must still call you so, Ladies and Gentlemen: I suppose the first thing that one newly inducted into authority would wish to accomplish would be to do something to win the favor of those who, by a charitable overlooking of his faults, have conferred upon him an undeserved honor. Certainly at this hour and in this temperature I can be sure of

winning your favor if I show you that I appreciate the force of the old saying that "brevity is the soul of wit." And indeed circumstances would enforce brevity upon me; for all that can be said of the bar, all that can be said of the various phases and facts of the professional life of the lawyer have been already said; and I must, perforce, either be brief or brazenly plagiarize what has in your presence been better said by others.

I confess that I do not recognize myself in the description given by Judge Curran, and but for his ready misadaptation of my name I would have thought that he had prepared this speech for another occasion and another man. Really, what he said in suggesting, by a sort of happy exaggeration, that I might be regarded as suitable for this office, could not quite allay the suspicion that he has heard what a British workman said in describing a thing that was "suitable." The story was that of a curmudgeon who was noted for his stinginess. This man had a lot of beer in his cellar which had spoiled, and having some workmen doing something about his place, thought that he would endeavor to acquire a reputation for generosity. So, when their lunch hour came, he told them to go down in the cellar and get some beer. When they had finished their lunch he went around, I suppose, to have the unique experience of receiving expressions of gratitude from somebody. They didn't say anything about it, so he asked them if they enjoyed their beer. They didn't say much, so he asked them again. One of them said: "Well, it just suited." He said, "What do you mean by that—it just suited? What do you mean, did you like it?" "Well," said the man, "It is this way; if it had been any worse we couldn't have drunk it and if it had been any better we wouldn't have had it, so it just suited." (Laughter and applause.)

Really, if I am to be quite frank and quite candid and to say, even with the brevity which the occasion makes appropriate, that which is uppermost in my mind, I cannot forbear to express a feeling of very profound pride, truly I think professional pride, truly I think pride which is consistent with modesty, that this honor, the distinction of this position has been conferred upon me by my professional brethren. But I appreciate also that the offices



of this Association are not conferred upon members for the purpose of giving them honor, but merely for the purpose, through organization, of carrying out the aims of the Association. No man can, in such an organization as this, with such a membership, hope to be a leader merely by holding office. And so, while I may not hope to lead, perhaps I may hope to hold my place in the column and to march shoulder to shoulder with those who have already made such a notable advance. The Scotch have a saying that "Mony mickles mak a muckle," and so I may perhaps hope that the "mickle" of my individual effort may add to the "muckle" which in the end must always be the property of the Association. So much I may, perhaps, say as an expression of the gratitude which I feel; so much, I perhaps may say as an assurance of my endeavor to fulfill whatever expectation you had in conferring this office upon me. And that I may exercise now for the first time my new-born authority, I do it by declaring this meeting adjourned.

# PART II

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## ADDRESSES.

DELIVERED BEFORE THE ILLINOIS STATE BAR ASSOCIATION AT  
THE THIRTY-FIFTH ANNUAL MEETING, URBANA-  
CHAMPAIGN, JUNE 22-23, 1911.

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**PRESIDENT'S ADDRESS.**

DELIVERED BEFORE THE ILLINOIS STATE BAR ASSOCIATION, AT  
THE UNIVERSITY OF ILLINOIS, URBANA-CHAMPAIGN,  
JUNE 22, 1911.

WILLIAM R. CURRAN, OF PEKIN.

*Ladies and Gentlemen of the Illinois State Bar Association:*

We are to be congratulated that our lines have fallen in this pleasant place, and that so rare a day in June witnesses this initial meeting of the Association for the year 1911. We are to be congratulated on this opportunity of meeting as the guests of these twin cities of the plain; within the protecting walls of the University, that is at once the pride and strength of the educational system of the State of Illinois; and beneath the cool shade of trees, planted by our fathers on this campus, where almost within the memory of men now living, was a trackless prairie waste, where the red Indian hunted, on his way to and from the council fires of his tribe beckoning him from the bluffs along the Wabash and the Illinois.

Urbana-Champaign—University of Illinois—we give thee greetings, and from right glad hearts accept your hospitality, remembering that—

“Friendship should be surrounded with ceremonies and respects, and not crushed into corners. Friendship requires more time than poor busy men can usually command.”

Man is the only creature that is heir to the blessed privilege of progress; that can look back from each tomorrow to every yesterday and say, I am farther on the way than I was then. I have succeeded now where I failed before. He is the only being that can grasp the crown of victory or suffer the pains of defeat.

To his heritage of success is attached the necessary condition of possible failure. This is one of the marks put upon him at

creation's dawn, that reveals him superior in the order of his being to all other created things. Through all his history, in toil or idleness, in conflict or peace, in victory or defeat, he is true to this law. It has ruled with equal force the savage and barbarian, the peasant and prince, the dullard and philosopher. Each today has found him victorious over the failures of every yesterday.

This law distinguishes him from all other works of the Creator. It is within him the spark of divinity, the picture and image of his Creator, the divine Ego.

No other created thing has the choice between success and failure. All other creatures, animate or inanimate, but meet the purpose of their creation and return to the great mass of matter without volition, never having made an advancement or improvement, bettered their surroundings, made change or progress in the world or failed in any undertaking. This is the law of their being, the fixed limitation of nature which they can not surmount.

The blades of grass that grew in the fair pasture lands toward Sodom in the days of Lot are identical in form and structure to those that cluster about the base of the rocks along the shores of the Dead Sea. The myriad of yesterdays have brought to them no change, they have made no progress, no improvement; each is like its fellow, all are like the first one that ever grew.

The lillies of the field that "toil not, neither do they spin" bloom today in the same sweet, stately beauty that they did eighteen centuries ago when they gladdened the eyes of the Prince of Peace. The rocks and mountains have stood, the foundations and sentinels of the earth, unchanging and unchangeable, while time shall last. The hills and valleys have been like the flocks of God, scattered and set on the face of the earth, to remain from the dawn of the first day until they shall be rolled together like a scroll.

The violet, that was kissed by the light of God's new sun on the morning of its creation, was the same beautiful blossom in form and sweetness that we saw in the early summer of this year. The swallows that builded their nests beneath the eaves of the ark, builded them in the same way and in the same form that their nestlings of a far distant day builded beneath the eaves of the barn last spring. The song of the meadow lark has not changed a note

since the coming of the first day. The beast of prey strikes its victim in the jungle in the same manner that it did before man became his master.

With the flight of the years, the mountains, rocks, hills, valleys, grass, flowers, birds of the air, beasts of the fields, and all created things, except man, have remained the same. They have made no progress, won no victories and suffered no defeats. They have remained true and perfect to the purpose of their Creator. They have fulfilled the law of their being and remained true to that law, creatures of his purpose.

Man likewise has been true to the law of his being; consciously or unconsciously he has been moving in a straight line and on an up-grade toward the goal of his destiny and the fulfillment of the purpose of his creation. As a mass he has been more restless than the waves of the sea, more persistent than gravity and more powerful than the combined forces of nature. He is the great dominant power in nature. The life of the human race has been as changeable as the colors of the chameleon. From the beginning of time until now, there have been no two days in history when the great cloud of humanity has been exactly alike, either in form, consistency, or opinion. One may as well endeavor to change the ebb and flow of the tides as to govern or direct the mighty onward sweep of this human avalanche. Its progress has been a struggle of force against force, of mind against mind, of will against will; "Iron sharpeneth iron, so a man sharpeneth the countenance of his friend;" to the end that he may develop, reveal and make manifest the divine spark, the life, the image of God, placed within him. He commenced the conflict of a savage, he will end it a son of God.

Every step he has taken in the mighty march of the centuries has been one nearer the goal of his destiny. In the beginning, before history began to tell of the battles of the world and how many were killed and wounded, and who ran away and lived to fight another day, the steps were tottery, uncertain and far between and some of them perhaps stumbled and slipped backward, but the total result has been advance on the part of the whole mass.

When God walks upon the earth his footsteps are centuries apart. Every step man has taken in the mighty march of the cen-

turies has been one nearer the goal of his destiny. His ability to change the form of matter and to devote it to his own use and service, and his ability to harness the forces of nature and compel them to do his bidding, are but a manifestation in a much lower degree of the power of the Creator to make a creature out of nothing.

The stone ax of the barbarian has developed into the myriad of mechanical forms useful for the service of man, that we have on every hand. The harvester and thresher gathering the golden grain on the modern farm is the logical child of the stone age. The bark canoe and its little cargo have developed into the great ocean liners; the cart with two wheels sawed from the end of a log, heavier of draft than the load it carried, has grown to the marvels of the railroad age; the swift flight of the automobile and the car on its electric wings, these together spell for us in great letters of light, the word Transportation, and in their mighty sinews are borne the commerce of the world; while we stand on tip-toe with fortune's cap in hand, ready to shout victory for him who has first successfully navigated the air. Man needs no greater proof than this, that he is of divine origin; he is the only creature within the realm of the world who has devised the power to transport material for shelter, raiment, food and protection from one part of the globe to another, or who by mechanical means can transport himself.

His foot-log across the rivulet has become mighty suspension bridges, spanning great rivers; his swift messenger running his weary race across the burning sands of the desert with his glad tidings; by the revelation of electric power is spanning continents, and holding oceans in its grasp, by wireless messages, that are swifter than light. His simple picture language, cut on the rocks, or painted on the skins of animals or shreds of bark, has grown to the mighty power of the printing press, and the great mass of literature of all the tongues of the world. His rude sketches were but the promise of all the great art treasures of the universe.

The cave in the hills and the rude hut, which was but a scant covert for his children and poorly sheltered him from the storms of winter, have grown to cottages, comfortable homes, mansions, pal-

aces, cathedrals and all the triumphs of ancient and modern architecture.

The groves that were his first temples, his crude image made to represent his idea of God; the sphynx and pyramids that stand silent watchers of the night by the mystic waters of the Nile; the myriad temples dedicated to worship; the mighty cathedrals of the world; the great warehouses of commerce and the sky-scrappers of business, that mark the whirlpools in the flowing tides of the people of the earth; all stand as monuments to mark man's slow progress toward the knowledge that God is a spirit to be worshipped in spirit and in truth.

A great ocean steamer; a Corliss engine; an electric car; a power plant changing the forces of falling waters into the mystic electric form that carries light, heat and power through miles of space; a wireless message, with a pulse that throbs around the world and carries intelligence, are but physical proofs that man was created in the image of his Creator; that he must create new forms of matter, discover new laws of power, and organize them for service. The creative spirit is within him, a function of his soul, and he cannot withstand its impulses any more than he can by taking thought determine the rate of the beating of his heart.

This great progress has not been made and cannot continue without government. It was delayed for want of government and the world slept under the pall of the dark ages for centuries because of it. Proper government is a condition precedent to growth, and the last century was the most wonderful in history because of enlightened progress in it.

All government is to a greater or less degree paternal in character. In its simplest form it consists in determining what rights enjoyed by the individual in a state of nature shall be surrendered for the common good; in enforcing the surrender by the strong and crafty and securing the benefit of that surrender to the weak and ignorant.

Progress has been so great, the accumulation of wealth so marked and powerful, that the Nation has been hypnotized by the spectacle, and has in some measure forgotten the duty of govern-



ment. We have been so diligent in tithing that we have omitted the weightier matters of the law.

It is only within the last decade that any considerable portion of the Nation has been awakened to the dangers confronting us. We are now engaged in a mighty struggle to maintain the power of the government against the strong and crafty; to wrest from them unwarranted advantages; to protect the weak and ignorant from aggression and to hold for them the benefits of equal opportunity. This is a battle not of physical force, but of mind against mind for the dominance of justice; a deliberate struggle for the growth and maintenance of law, to hold the field against the ancient idea of the right of might.

In the midst of this struggle there has developed a widespread opinion that the science of jurisprudence has not kept pace with the march of time, and has not developed in proportion to our material growth and added knowledge in other fields.

This opinion is voiced in many quarters by authorities of great as well as small degree. In 1893 Ex-Senator Lyman Trumbull, then one of the ablest lawyers of the State, a man of great experience and observation, both in the profession and in matters of government, a man great enough and self-sacrificing enough to sign his own political death warrant, when he cast his vote in the Senate of the United States against the resolution of impeachment of President Andrew Johnson, in his annual address as president of this Association used the following language:

Mr. Walker, while he had an office in the same suite with them, remitted

"All around us in every direction are the evidences of progress, save in the science of law. It is true that absolute justice, like truth, is the same at all times and everywhere, but are there no means of improvement in the way of arriving at justice and truth? Why should the science of jurisprudence stand still, while progress is made in all other directions? Is it because judges and lawyers, in the administration of justice, have been taught to rely upon precedents in determining what is right or wrong, rather than upon their own reason and sense of justice? Precedents are only useful as aids in arriving at what is right, and should not be followed because they have been set in former times, unless founded upon right and justice."

\* \* \* \* \*

"What is wanted to advance the science of law are lawyers and

judges who have convictions of their own, capacity to discern the right and justice of a cause, and give a reason for the faith that is in them, without groveling among the musty books of antiquity and citing a long list of cases, many of which have little application to the matter under consideration, and were decided under different circumstances. If we would have great lawyers and great judges, they must be men of original ideas, capable of reasoning from principle, and not mere copyists."

This language is not flattering to our vanity, but is it not wise to consider whether it expresses a correct diagnosis of our condition?

The members of the bar and the courts have done much in the ages past to develop and conserve the rights of man, but they cannot maintain their ancient supremacy of leadership among their fellow men by relying on the past; they must measure up to the full demands of the present hour, and keep step with the vanguard of progress.

Their duty is voiced by Governor Woodrow Wilson in his annual address at the last meeting of the American Bar Association, in the following words:

"We are lawyers. This is the field of our knowledge. We are servants of society, officers of the courts of justice. Our duty is a much larger thing than the mere advice of private clients. In every deliberate struggle for law we ought to be the guides, not too critical and unwilling, not too tenacious of the familiar technicalities in which we have been schooled, not too much in love with precedents and the easy maxims which have saved us the trouble of thinking, but ready to give expert and disinterested advice to those who purpose progress and the readjustment of the frontiers of justice."

Among the expressed purposes of this Association stated in its Constitution are:

"To cultivate the science of jurisprudence, promote reform in the law and to facilitate the administration of justice."

It is manifest then that its founders realized, as we all must realize, that the science of jurisprudence is not a completed or an exact science; that it must expand and grow as civilization grows; that our faces must look to the rising as well as the setting sun. In order to live up to the standards set for us, we must also realize that the law in many respects, has been and now is imperfect, and must constantly be reformed as those imperfections become mani-

fest. It is true that lawyers have boasted that the law is the perfection of human reason; but the perfection of human reason yesterday is not necessarily the perfection of human reason today on any given subject. No one can safely assert that any human opinion is final. The acid of time dissolves most of them. It is only among lawyers whose feet are firmly set in the stiff clay of conservatism that we still hear this boast. They are all sufficient in themselves, and think what has been should be.

"There are a sort of men, whose visages  
Do cream and mantle like a standing pond,  
And do a wilful stillness entertain,  
With purpose to be dress'd in an opinion  
Of wisdom, gravity, profound conceit;  
As who should say, 'I am Sir Oracle,  
And, when I ope my lips, let no dog bark!'"

This attitude will not suffice; as men and as lawyers we must meet the demands of the time or give way to those who can and will. Justice in its administration must be speedy as well as accurate, and if the law of procedure as now written is not adequate for that purpose, the duty devolves upon this Association and every member of the Bar in this State to render unselfish, tireless aid in procuring such amendments as will remedy the evil.

As lawyers we must always bear in mind that our training makes us critical, that our mental efforts consist in criticising the work of our fellows, and in devising reasons wherein the performances of our adversaries are not sufficient for the purpose designated; in pointing out why they are not in accordance with law. In a large sense our minds are devoted to efforts of destruction and not construction. Only a great artist can paint a great picture, but a mediocre can point out a fault in it. Only great constitutional lawyers can draw a constitution for a State, but any tyro in the profession can tell what its faults are and aver that he will never vote for it.

It is the constructive mind, however, that is of great value in the higher avenues of jurisprudence. In performing the wider duties of our profession; in meeting the demands upon us, as servants of society, in bearing our part of the struggle for adequate law, to protect the rights of our fellow men under the changed condi-

tions as we find them, our work must be constructive rather than destructive. We must go into the field of original production and cease to criticise. We must do things, and devote less time to pointing out the faults of the work of others. We must get on the frontiers of the development of jurisprudence and do what we can to devise lawful means to redress the wrongs that are flagrant.

If there are citizens so lost to their duties as to make commerce of the ballot and sell their votes on any question submitted to the ballot box for answer, this act poisons the very source of our government and makes our boasted liberty the plaything of an hireling. Means must be devised to ensure an honest ballot box and adequately punish the offenders. If eternal vigilance is the price of liberty here is the place to commence to pay the price.

If members of the bar in their wider duties as servants of society, become attached to the government in the capacity of counsel in the affairs of state, and at the same time secretly continue as advisers of private interests, adverse to the well-being of the state and the interest of the people, they violate their oath of office, as members of the profession, and violate their oath of office as agents of the government; they are doubly false to their trust and must suffer the penalty of attempting to serve two masters. Counsel employed by the departments of State or holding high position by appointment or election, should have no private clients to serve or secret interests to advise. They can honestly have but one client, they can serve but one interest, and that the interest of the whole people.

If public servants are found who forget their oath of office and become the agents of private interests while serving the State; therein to that extent the private interests run the government, and the people have a perjured traitor for a servant. This evil must have a remedy devised that will be effective. The representatives of the people must represent no interest, except the welfare of the people, and this must be true in every act performed as a representative; and not a matter of proclamation. If this character of representation is not secured then our representative form of government is a mockery.

If State Senators and Representatives standing in the room

of the people of a great State, for the purpose of electing a representative from that State, to sit in the senate of the United States. fall from their high estate as statesmen and through a bipartisan agreement or otherwise, elect by bribery any man as Senator, whether he be the personal representative of private interests or not, whether he has guilty knowledge or not; they have struck a vital blow at the very foundations of Representative Government. Such an act is treason to the State and treason to the Nation. The State may suffer such a wrong and continue a State; but it cannot long survive as a State, if such wrongs go unrebuked and the wrong doers permanently remain unpunished. This is not a question of governmental policy or politics. There can be no division here among honest men. This State demands that this stain be removed from its fair name; the memory of such men of Illinois as Lincoln, Douglas, and the long line of patriotic statesmen she has produced cry out for shame. The duty devolves upon her people to construct legal barriers to prevent such outrages on honest government bearing fruit for the conspirators and to deter others from repeating the experiment.

If unlawful combinations in restraint of trade raise the price of raiment, food, shelter and all the necessities and luxuries of life; and other unlawful combinations of labor restrain the right of the individual to work when he will, where he will, for wages with which he is satisfied; and the wage earner is compelled against his will, to eat the bread of idleness and bitterness; when spoliation of the weak by the strong is common, and idleness and misery are forced on those willing to work, in a land of plenty; humanity and good government demand that jurisprudence devise means to restrain the strong and protect the weak; that all may eat the bread of comfort and enjoy the fruits of their own industry; that the rights of labor and the rights of property may have equal protection under the law, and that all honest men, whether rich or poor, shall dwell together in harmony. It is a herculean task, which calls for great constructive effort; it may well cause the bravest to hesitate; but, my brethren of the bar, my fellow citizens, the task must be performed, or our boasted government of the people, by the people, for the people, will perish from the earth. Our Nation has had

great problems and great conflicts in the past; she has successfully solved the problems and won the battles, and we can say without undue pride that the members of our profession have borne no inconspicuous part in the solution of those problems or in winning the battles. Present conditions present our problems and mark the firing lines of our struggle for the dominance of law and it behooves us to acquit ourselves like patriotic men. We must stand or fall by the proposition.

"There is no free State where the law is not supreme."

It is my duty under the By-Laws of this Association to make such reference to recent changes in the law of this State, its present state and administration, with such recommendations in respect thereto as shall seem best calculated to conserve the general weal. I am not unmindful of that duty, but am mindful of a greater duty in the unwritten law; namely, "to do unto others as ye would that they should do unto you." When I remind you of the fact that the Forty-seventh General Assembly of the State of Illinois passed 278 separate Acts, 22 of which were vetoed by the Governor, 87 of which were appropriation bills, leaving 170 new laws now in force, or that soon will be in force modifying and changing the statute law of this State; when I further remind you that within a period of twelve months the Supreme Court has handed down opinions in eighteen cases holding as many other statutory provisions of this State unconstitutional, you will perceive

"The quality of mercy is not strain'd;

It droppeth, as the gentle rain from heaven

Upon the place beneath; it is twice bless'd;

It blesseth him that gives, and him that takes."

I have endeavored to perform my duty to the letter, but a careful reading fails to show any provisions of the By-Laws requiring the president to read the appendix to his annual address; for this reason reference to most of the recent changes in the law of this State will be found there, and will go into the record under the rule providing for leave to print. At this time this course seems best to conserve the general weal.

It has been a theory in the science of government in this country, since the time of the Revolution, that the country was best governed that was least governed; that the fewer laws there

were in force the better for the people. A very slight examination of the thirteen original colonies at the time of the Revolution and during the period of early statehood, reveals the fact that this has only been a theory. The early statutes of Virginia and its neighbors, as well as of the original New England States, show that while their scope is comparatively small, yet they all went into careful detail, in all matters of moment and business interest, in each locality. In proportion to their development, they used the mandate of the statute as much as is now done to protect their interests. Their sense of injury to business or impairment of rights was very keen, and they were prompt to enact laws to redress what they deemed wrongs to themselves. They passed laws to encourage the arts and manufactures, to regulate foreign commerce, regulating the rates of interest and brokerage; laws against the adulteration of drinks and foods; and many of the statutes of New England are famous for their supervision of the conduct, dress and spiritual behavior of the individuals of that day. There was no subject of general interest which was not required to come under public supervision. As their civilization developed, population multiplied, towns and cities grew, new industries were developed and the conditions of life changed; they did not hesitate to extend their statute law into new fields.

By comparison of statute law then and now, it appears that the quantity of enactments must depend in a large measure upon the stage of development in civilization, the number of population, the size of the cities, the extent of commerce and the means of transportation, the methods of distribution of merchandise and articles of commerce, the system of banking, and the development and extent of manufacturing, mining and all other industries. It is not then a symptom of decline in our institutions, if the quantity of statutory enactments is great and covers a multitude of subjects; it must necessarily be so; and judged by the past we can expect that it will greatly increase in volume as our civilization progresses. It is not a matter of regret then that the last General Assembly of this State should make 170 changes in our statute law; but rather a matter for congratulation that our lawmakers have been reasonably diligent and intelligent in their duties. When

we consider the unwieldy size of the legislative bodies of this State, and the conditions surrounding their deliberations, the cross currents of personal ambition and the conflicting interests clashing around them every session, the marvel is that their work is so intelligent and free from harmful errors. The large mass of legislation of the last session is purely technical in character, not of general interest, and of the kind that must be carefully drawn in order to be effective or accomplish its purpose. The number of changes in the law of general interest and of wide influence is limited. Among the Acts passed is an amendment to the Practice Act, providing that where an objection is made in the trial court, it shall not be necessary hereafter to preserve in the record an exception to the ruling of the court on the objection; but the statement of the objection and the ruling of the court on the objection shall be sufficient to preserve the point for review on appeal or writ of error. This change will be hailed with joy by the Bar of the State. The old rule was a relic of the past which might have been pruned by the knife of progress before Noah was a sailor, without regret.

The Practice Act is further amended so that non-resident persons or co-partnerships having a place of business in this State, in any county in which suit may be instituted, may be served by the usual and ordinary name that such person or co-partnership has assumed or may be doing business under and service may be had by serving the agent of the person or co-partnership within this State. This is a change that will facilitate the administration of justice without harm to the rights of any defendant.

The judges of the Supreme Court are empowered to appoint not more than three competent persons, in any one district, to aid the judges of the Appellate Court in the disposition of the business of the court. This is among the innovations in this State. The Act is remarkable in what it does not contain. The duties of the three competent persons are entirely left to the imagination. The amount of salary is clearly fixed and the term of employment in any event shall not continue beyond July 1st, 1913.

The State's Attorneys office has been dignified and its efficiency assured by an Act abolishing the fee system and providing a fixed salary for that office in the counties of the various classes in the



State. The people are to be congratulated upon this advance in legislation, and the State's Attorneys of the State will thank the lawmaking power for putting them in a position where their salary will not depend upon conviction of defendants.

The practice in courts of chancery has been amended so that the court may construe wills not creating a trust, or questions of trusts, or other questions are involved; and may appoint trustees and authorize them to sell, encumber or exchange the trust estate, during the pendency of a contingent remainder; and may hear bills to quiet titles to vacant and unoccupied real estate or where the complainant is out of possession.

An extended Act regulating express companies, declaring them common carriers and placing them under the control of the Illinois Railroad and Warehouse Commission is an accomplished fact; which, added to the further fact that the Act creating the Illinois Railroad and Warehouse Commission has been so amended as to greatly increase the efficiency of the commission, is a matter for congratulation.

The most notable and far reaching legislation of general interest enacted by the Forty-Seventh General Assembly of Illinois is the "Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment." The Act is known as Senate Bill No. 283; it is the result of the joint labor of a voluntary commission composed equally of representatives of employees and employers. After careful study of the subject of workmen's compensation and employers' liability legislation by its adoption, the State of Illinois steps into line with New Jersey, California and New Hampshire. The State of New York has also adopted an Act on the same subject, but it has been declared unconstitutional.

The object of the Act adopted in Illinois is to afford compensation in all cases of industrial accident, coming within its provisions, without recourse to litigation. It provides for an election, both on the part of the employers and employees, between acceptance of the terms of compensation provided by the Act and the settlement of the question of compensation through an action for damages in the courts; it is drawn so as to encourage acceptance of the terms of

the Workmen's Compensation Act. This is accomplished in the case of the employer by providing that in case he shall elect "not to provide and pay the compensation to any employee who has elected to accept the provisions of this Act according to the provisions of this Act, he shall not be able to escape liability for the injury sustained by such employee, arising out of and in the course of his employment; either because the employee assumed the risks of the employers' business; or because the injury or death was caused, in whole or in part, by the negligence of a fellow servant; or because the injury or death was proximately caused by the contributory negligence of the employee; but such contributory negligence shall be considered by the jury in reducing the amount of damages." It is further provided by the Act that in case an employee, whose employer has accepted the terms of the compensation act, declines to accept such terms and elects to seek his remedy through the courts, in such case such employer shall not be deprived of any of his common law or statutory defenses. By the terms of the Act, the acceptance of employment brings both the employer and employee within the provisions of the Act, unless one or both declare a contrary intention. The effect of this Act, if sustained by the courts of Illinois, will be marked and far-reaching. It will provide speedy compensation to the injured, and in case of death like compensation for his dependent; and will protect the employee from litigation on doubtful claims for injury where there is no merit. The measure of damages is fixed by the law and not by a jury. It probably will remove from the courts a great part of the litigation known as personal injury cases. If effective it will be beneficial both to the employer and the employee. It will largely curtail the activities of the ambulance chaser, and circumscribe his usefulness; it will reduce the litigation in courts of record very much. It will vastly reduce the work of the various Appellate Courts of the State, and will probably reduce the work of the Supreme Court more than ten per cent.

A similar bill, known as Senate Bill 401, was introduced and also passed both houses. It was drawn upon the theory of the present law and provided to the injured employee, or to his legal representatives in case the injury resulted in death, relief through

adjudication by the courts; and abolished or modified the defenses to actions of this nature existing under the present law, known as the defenses of contributory negligence, and the rule concerning assumption of risks and the fellow servant rule. The two bills sought to accomplish the same purpose. The latter bill was vetoed by Governor Deneen for the reason that Section One of the latter bill, in providing that the operation of farming or the tilling of the soil should be exempt from the provisions of the Act, made it clearly unconstitutional, under the decision of the Supreme Court of this State in the case of *People v. Butler Street Foundry*, 201 Ill. 266, and of the Supreme Court of the United States in *Connolly v. Union Sewer Pipe Company*, 184 U. S. 540.

There is a law in force in this State, concerning elections, which was adopted from pure motives, and as was thought by its advocates, a wise measure calculated to assure minority representation in legislative bodies, which should be repealed. Since it has been in force it has been a constant menace to integrity; has furnished in every locality an object lesson in politics, tending to teach the people that falsehood and misrepresentation are proper and successful means to advance political preferment. By it the vote buyer is thrice armed, and through its use the vote of a scoundrel may be made to count three times as much as the vote of an honest man. That element of society designated as undesirable citizens always vote as a unit without regard to politics. When they are sure that they have found a representative on whom they can rely, their money and their votes are concentrated on his election, usually with success. The cumulative ballot is a weapon well adapted to keep intrenched in a position of advantage members of bipartisan combinations. Its repeal will go a long way towards preserving honest government in Illinois.

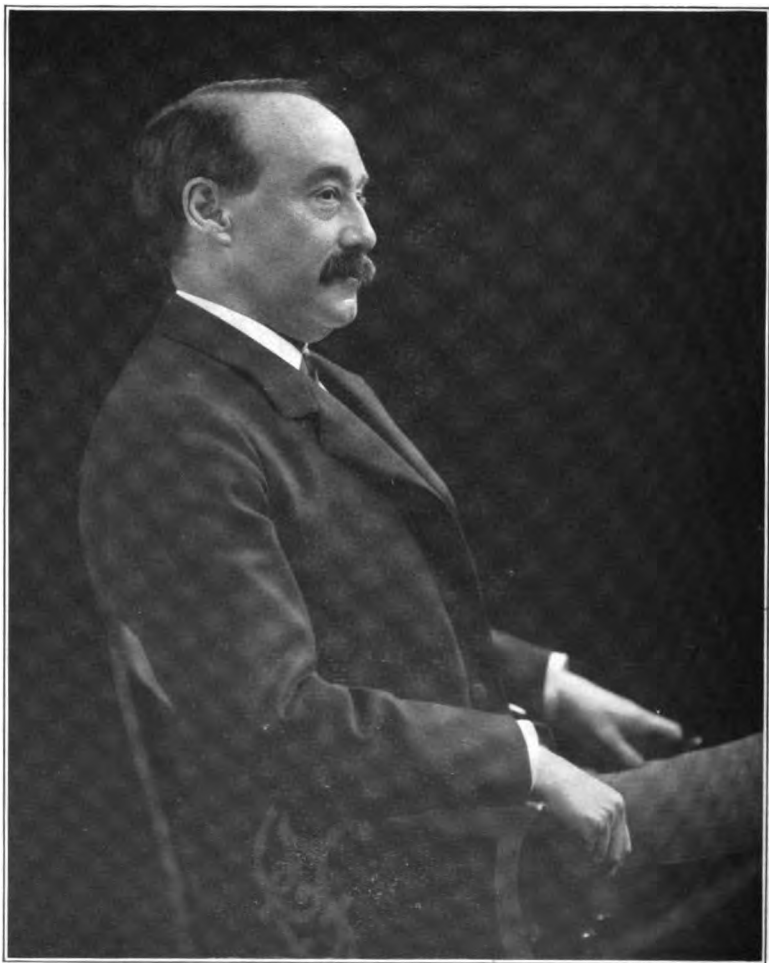
In conclusion, the Illinois State Bar Association is to be congratulated upon its thirty-four years of history and accomplishment. It was organized at Springfield, January 4, 1877. It commenced with a charter membership of eighty-six, and no organization in the various counties of the State. It has steadily grown in number and influence until it has become one of the largest and most influential Associations in the Nation. While it

has not accomplished all that it has endeavored to accomplish, it has succeeded in many lines far beyond the most sanguine hopes of its founders. It commands the respect of the Bar of the State and our sister States. It has passed the years of its infancy and youth, and now stands on the threshold of vigorous manhood. With many problems to solve and much strenuous work to perform, it has the required courage to go forward and the strength to accomplish the things lying in its path to be accomplished. Its active membership realize:

"We live in deeds not years; in thoughts, not breaths;  
In feelings, not in figures on a dial.  
We should count time by heart-throbs. He most lives,  
Who thinks most, feels the noblest, acts the best."







**CHARLES J. BONAPARTE**

**ANNUAL ADDRESS.****JUDGES AS LAW MAKERS.**

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BY CHARLES J. BONAPARTE, OF BALTIMORE, MD.

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In a very forcible separate opinion, dissenting in part from the views expressed by the majority of the Supreme Court, filed on May 15th last in the Standard Oil Case, Mr. Justice Harlan says:

"After many years of public service at the National Capital, and after a somewhat close observation of the conduct of public affairs, I am impelled to say that there is abroad, in our land, a most harmful tendency to bring about the amending of constitutions and legislative enactments by means alone of judicial construction."

About two years ago Mr. Gifford Pinchot, defending in a public address some features of his official course, advanced a theory and quoted an opinion of the Supreme Court in its support, to the effect, in substance, that the general purpose, the evident policy, of a statute is the key to its meaning and that, so far as possible, it should be so construed as to accomplish that purpose, to promote, and not to defeat that policy. This contention on his part was promptly and vigorously denounced in certain publications which met my eye as novel and visionary, dangerous to vested interests, subversive of order and stability, and, in brief, as a belated survival of a certain lawless and arbitrary system, of which, the critics had hoped, our country was finally rid on March 4th, 1909, when it gave place to what was afterwards happily termed: "The Reign of Law." I am not concerned this morning with Mr. Pinchot's practical application of his theory of statutory construction; that may or may not be open to just criticism; but the critics who denounced the theory itself as startling and revolutionary might have been expected to cordially endorse the views of Mr. Justice Harlan; curiously enough, these same writers, so far as I know, appear to think almost as ill of him as they did of Mr. Pin-



shot himself. I feel therefore emboldened to ask you to consider with me very briefly the character and scope of judicial action in the United States in the development of American law, and to see how far such action and development may be fitly called "law making" and how far such law making by judges, such "judicial legislation, if you will, is wholesome and tends to assure our National greatness and happiness.

First of all, what is "law"? In his "Note on Utilitarianism," Fitz James Stephen says:

"Bring any considerable number of human beings into relations with each other. Let them talk, fight, eat, drink, continue their species, make observations, form a society, in short, however rough or however polished, and experience proves that they will form a conception more or less definite of what for them constitutes happiness; that they will also form a conception of the rules of conduct by which happiness may be increased or diminished; that they will enforce such rules upon each other by different sanctions, and that such rules and sanctions will produce an influence upon individual conduct varying according to circumstances."

In a very wide sense, all such "rules of conduct," thus "enforced" at any one time by any particular community upon its individual members, may be described as "law;" this would include rules of piety, good morals, courtesy and good taste; but custom and convenience have nowadays restricted the term "law" to such of them as are "enforced" by one or more of three particular kinds of "sanction," namely, injury in person or estate to their transgressor inflicted by the community through its agents, remedial action on its part, through the like agents, intended to place him and all other persons in the positions they would have respectively occupied had the violated rule been obeyed and denial to him of the benefit of similar remedial intervention on its part in cases where he would have been entitled to such intervention but for his transgression. In other words, and speaking for lawyers, "law," as the term is used today and for our present purpose, means the aggregate of those rules of conduct disobedience to which by a member of the community constitutes (1) a crime, (2) a ground for a civil

suit or (3) a reason to refuse the offender some right of action or defense or other legal benefit which he would have otherwise enjoyed by virtue of such rules of conduct.

It is the function of our courts to determine whether and to what extent one or the other of these sanctions shall be applied in any instance of alleged transgression of such a rule of conduct, or, in other words, of the law. Mr. W. Irvine Cross, a well known lawyer of my native city, in a short but trenchant magazine article on the "Doctrine of Public Policy," says on this subject:

"It is a severe restraint often, upon the judicial temperament, to confine itself to passing upon the rights of individuals as governed by what Baron Alderson called 'fixed rules and settled precedents.' The temptation is strong to round out one's usefulness by the appropriation of a little of the legislative power, to inject a high morality into the law, to help it along out of one's own individual wisdom. \* \* \* The judge who allows himself to be led away from his grand, though simple function, by consideration of general morality, the public interest, or public opinion, is only weakening himself against the day when he may have to face popular clamor or resist political influence."

Mr. Cross suggests that a judge is "led away from his grand though simple function" when he yields to the "temptation" to appropriate "a little of the legislative power," that such "appropriation" is, in fact, a usurpation: is this true? In his "Ancient Law," Sir Henry Sumner Maine says on the same subject:

"We in England are well accustomed to the extension, modification and improvement of law by machinery, which, in theory, is incapable of altering one jot or one line of existing jurisprudence. The process by which this virtual legislation is effected is not so much insensible as unacknowledged. With respect to that great portion of our legal system which is enshrined in cases and recorded in law reports we habitually employ a double language and, as it would appear, a double and inconsistent set of ideas. When a group of facts comes before an English court for adjudication, the whole course of the discussion between the judges and the advocates assumes that no question is or can be raised which will call for the

application of any principles but old ones, or of any distinctions but such as have long since been allowed. It is taken absolutely for granted that there is somewhere a rule of known law which will cover the facts of the dispute now litigated, and that, if such a rule be not discovered, it is only that the necessary patience, knowledge or acumen is not forthcoming to detect it. Yet the moment the judgment has been rendered and reported, we slide unconsciously or unavowedly into a new language and a new train of thought. We now admit that the new decision *has* modified the law. The rules applicable have, to use the very inaccurate expression sometimes employed, become more elastic. In fact they have been changed. A clear addition has been made to the precedents, and the canon of law elicited by comparing the precedents is not the same with that which would have been obtained if the series of cases had been curtailed by a single example. The fact that the old rule has been repealed, and that a new one has replaced it, eludes us, because we are not in the habit of throwing into precise language the legal formulas which we derive from the precedents, so that a change in their tenor is not easily detected unless it is violent and glaring. \* \* \* We do not admit that our tribunals legislate; we imply that they have never legislated, and yet we maintain that the rules of the English Common Law, with some assistance from the Court of Chancery and from Parliament, are coextensive with the complicated interests of modern society. \* \* \* The *fact* is that the law has been wholly changed; the *fiction* is that it remains what it always was."

That is to say, in *fact* English and American judges "appropriate" and have always "appropriated," not "a little," but a *great deal* "of the legislative power," although this "appropriation" has been and is concealed from superficial observers and those wilfully blind by one of the most noteworthy among those "legal fictions" which have played so important a part in the development of both Roman and English jurisprudence. What would have been the result had the fiction in this case been a fact? In other words, if our judges, from the beginnings of the Common Law, *had* been guided *only* by Baron Alderson's "fixed rules and settled prece-

dents," what would have been the consequences to the world and especially to us? This is shown by the experience of those countries where these "rules" have been immutably "fixed" by a supposed sacred origin and a religious sanction; and, on this point also, we can call Sir Henry Maine as a witness. He tells us, in the work already quoted:

"This rigidity of primitive law, arising chiefly from its early association and identification with religion, has chained down the mass of the human race to those views of life and conduct which they entertained at the time when their usages were first consolidated into a systematic form. There were one or two races exempted by a marvelous fate from this calamity, and grafts from these stocks have fertilized a few modern societies; but it is still true that, over the larger part of the world, the perfection of law has always been considered as consisting in adherence to the ground plan supposed to have been marked out by the original legislator. If intellect has in such cases been exercised on jurisprudence, it has uniformly prided itself on the subtle perversity of the conclusions it could build on ancient texts, without discoverable departure from their literal tenour."

Some less harmful, but yet clearly mischievous results of similar mental processes may indeed be found in various obsolete and obstructive rules of procedure or proof in our criminal law which, in practice, serve only to provide loopholes of escape for conscious and often brazen guilt.

For example, no one would have a man once fairly and properly tried for a crime and either convicted or acquitted brought to trial again for the same offense: *interest rei publicae ut sit finis litium*, and no more fitting occasion could arise for the application of this wise and salutary maxim. But if the trial has been unfair or otherwise improper, whether through misconduct of the jury or error of the judge, it is the dictate of common sense that this miscarriage should be duly corrected and the man retried. This can be and is daily done when he has been convicted; but if he has been acquitted, no matter how erroneously and with what evident injustice, there is no remedy, because of an old and arbitrary rule against what is called "double jeopardy," a rule originat-

ing under circumstances utterly unlike those of today and which has been generally embodied in our constitutions and statutes to the great profit of law-breakers.

Again the Common Law of England, unlike most other systems of mediaeval law, never sanctioned torture, whether of defendants or witnesses. In this the Common Law showed itself both wise and humane, for human experience has shown that the use of torture tends, not to secure but to hinder the discovery of the truth; but, by reason of the strong and reasonable repugnance thus fostered towards confessions and testimony extorted by physical pain, there grew up in England rules against admitting in evidence confessions procured under highly conventional duress and against obliging prisoners to incriminate themselves, which rules in American law have crystalized into numerous constitutional and statutory provisions, and these have been, in turn, so construed in some judicial decisions as to extend the prohibitions far beyond the bounds of reason and public policy: we have seen convictions set aside because juries were told of remarks of the prisoner made under no obvious compulsion and which contained no intelligible admission of guilt. One of the most enlightened changes made by modern statutes in the rules of evidence permits the accused to testify in his own behalf; this privilege is invaluable to an innocent man, and it is therefore simply impossible for a rational mind to avoid an unfavorable opinion as to the probable guilt of one who refuses to avail himself of it. Yet in the great majority of our States the statute law gravely requires this impossibility of a jury, and even obliges the court to so instruct them, while forbidding the public prosecutor to tell them what everybody knows they must think anyhow.

The *reductio ad absurdum* of the rule in question would seem to have been furnished, if it be really true that a statute making it the duty of an automobilist to give his name and the number of his machine to a person he runs over has been recently held unconstitutional because "it obliges him to give evidence against himself!"

Nevertheless, in the main, we have been saved from the fate

of stationary communities, we have escaped the sterile "rigidity" of Baron Alderson's "fixed rules and settled precedents" and all its baleful consequences through the legislative activity of our judges: why it has been needful to cloak this salutary activity under the shadow of legal fiction is again explained by Sir Henry Maine with his accustomed sagacity. He says as to this:

"It is not difficult to understand why fictions in all their forms are particularly congenial to the infancy of society. They satisfy the desire for improvement, which is not quite wanting, at the same time they do not offend the superstitious disrelish for change which is always present. Nothing is more distasteful to men, either as individuals or as masses, than the admission of their moral progress as a substantive reality. This unwillingness shows itself often, as regards individuals, in the exaggerated respect which is ordinarily paid to the doubtful virtue of consistency. The movement of the collective opinion of a whole society is too palpable to be ignored, and is generally too visibly for the better to be decried; but there is the greatest disinclination to accept it as a primary phenomenon. \* \* \* There are, moreover, and always have been, persons who refuse to see any fiction in the process, and conventional language bears out their refusal."

This "conventional language," language as to the propriety and necessity of a complete separation of legislative from judicial powers and functions, may be found with us in many constitutional provisions; but its effects on the facts is the same as calling a dog's tail a fifth leg on the number of his organs of progression. There can be no doubt that the great body of English and American case law, built up by the steady law making of English and American judges during six or seven centuries, in the main, is the fruit of a constant effort on the part of these judges to make the law what they believed the law ought to be to advance the public welfare, and as little that, on the whole, they have been inspired in this belief by the enlightened public opinion of their respective days and countries.

Sir Henry Maine, in the passages to which I have called your attention, had more particularly in mind the character and effect

of judicial action in moulding what he called the "Common Law," but there is yet more obviously room for wise and enlightened law making when our American judges are called to deal with questions of constitutional and statutory construction; for, in the United States, these questions have been and are now fraught with consequences of a moment to the community elsewhere unknown.

When a law is enacted, some of our publicists, some of our jurists, some of our statesmen would seem to think first, not how it can be faithfully observed, but how it can be skillfully and safely eluded; for them it is *prima facie*, not a command of our common sovereign, the American people, a command which every loyal American obeys in letter and in spirit, with all his heart and all his mind and all his strength, but, in general, a mere sop to a troublesome Cerberus, a mere blind meant to hoodwink or soothe an inconveniently exacting public opinion, something to be talked about during a political campaign and forgotten when the polls have closed, something through which any adroit counsel of any huge "interest" if he be really worth his large fees, should be able to drive a coach and six, even an automobile at racing speed. It is but consistent that those who think thus of our laws should think of our courts as properly and essentially umpires in a game of mingled chance and skill played by opposing counsel, with no higher duty than to enforce the established rules of the game, and with no responsibility, in law or in morals, for its results to the community or to humanity.

Those who think, or would have others think thus, have, of course, no sympathy with, *exempli gratia*, Chief Justice Marshall's favorite doctrine of Implied Federal Powers, since that doctrine, in last resort, merely applies to the Constitution the principle so severely criticised when announced by Mr. Pinchot, namely, that any law should be so construed as to make it fruitful, not barren, *ut res magis valeat quam pereat*, a principle which now is not only overwhelmingly sustained by authority, but, on its face, is the plain dictate of common sense.

An act of the Legislative Power is the command of the sovereign; it voices the sovereign's wishes; if those owing allegiance

to the sovereign, and therefore a loyal obedience to the law, know, either from the terms of the statute itself or from the circumstances of its enactment or from any other statutes *in pari materia*, what are the wishes of the sovereign as to its general subject matter, what are the ends the sovereign seeks to attain, what are the mischiefs the sovereign seeks to remedy by giving this command, surely, if there be room for any doubt at all as to its meaning, they will obey it in that sense which will bring to pass what the sovereign would have done, which, so far as may be, will make impossible what the sovereign would prevent. Some years ago, in one of our Eastern States, a statute punished by fine or imprisonment any one wearing birds of certain species in *his* hat. A chief of police called upon to enforce this law, could find no person wearing such a bird in *his* hat, but many persons each of whom wore one or more of them in *her* hat; applying Mr. Pinchot's principle of construction, he so read the law as to make it mean something and not so as to make it a dead letter: does any one doubt that he read it aright? A trade mark consisting of the figure of a fish, belonging to one of my clients, was once pirated by an ingenious rival in business, who called the device he used a "whale," and claimed that a whale wasn't a fish but a mammal. This defense didn't "go down" with the court; and if a law should forbid the taking of "fish" at certain times or places and this law were undoubtedly and notoriously inspired by a policy of conservation regarding marine animals in general, whales would, no less undoubtedly enjoy its protection: the courts would perhaps remember that Blackstone classed them as "royal fish."

I have said that there is yet more clearly room for helpful "law-making" by judges, for good "judicial legislation," in dealing with questions of statutory construction than with the application of established rules of the Common Law: this is mainly because these rules have been slowly worked out by men, the most of them able, the most of them conscientious, the most of them disinterested, to meet exigencies arising in actual life according to their well considered opinions as to the permanent interests of the community, while our statutes are in great part the work of mere vote-hunters



and demagogues, enacted for the temporary ends of politicians or artfully contrived to advance the selfish purposes of unscrupulous men, often the very men against whose wrong-doing they pretend to provide safeguards. At best, they are seldom more than rudimentary, embryonic laws, destined and intended to be moulded into their final and practical shapes by the legislative action of the courts in professedly construing but really completing them.

A former cabinet officer has less difficulty than another might have in understanding these things. Doubtless he is occasionally brought in contact with worthy gentlemen belonging to each House of the National Legislature who serve the public ably and faithfully; but the law-giver who habitually takes up the time of a head of department is ordinarily a very different personage, at least, according to my own experience: I found him too often a marvel of pettiness, selfishness and timidity. He could look at nothing beyond his own political interests and trembled at the bare thought of displeasing anybody whose displeasure might cost him votes. When he called on the Secretary of the Navy, it was always to intercede for a deserter or to ask the discharge of a recruit or to get work for a Navy Yard or higher wages for some workmen; when he visited the Department of Justice, it was to further a pardon or beg that a criminal be not prosecuted or to importune for higher salaries to some deputy marshals or to talk about some matter of patronage: in any case, he always "wanted something" for his friends or his State or his District, and, really and in last resort, always "wanted something" for himself. To make him talk or think about the National defense, the effective administration of justice, the enforcement of the very laws he had helped to make, there must have been, in the words of Sam Weller, "nothin' less than a nat'ral convulsion." That such should be the characteristics of many among our Lyncurguses, whether in State or Nation, is, after all, in no wise surprising: no one with any experience in the dismal labor of trying to persuade reputable and esteemed men to become candidates for elective offices will doubt the genuine and profound reluctance of the right man to settle himself into the right place in this field of his duty as a citizen; and, according

to my own observation, this reluctance usually, although not always, increases as the prospects of election become brighter: I have found it easier to induce the man in question to run when he knows that his running can amount only to a protest against abuses and scandals or a help to other candidates than when there seems to be some fair show for his own election. We may ask why do really first class men, as a rule, shun public employment in its higher grades and too often oblige their State or Nation to be content with the second class, if, indeed, even these can be secured and our public trusts are not abandoned to the clearly unfit? The answer is sufficiently obvious: those men best fitted for such work will not do it, or do it long, because the conditions of their work do not allow them to work happily and with self-respect.

The American people as a would-be employer of labor, approaches a skilled workman of this class, a man assured at all times of steady work at good wages, and says to him, speaking by its acts: "Come and work for me; if you come I shall probably take away your job at just about the time you have learned to take interest in it and to do it to your own satisfaction. Meantime I shall let others of my workmen, whose help is indispensable to your work, constantly hinder it and embarrass you by all sorts of gratuitous annoyances, not necessarily because they have any quarrel with you, but often as incidents to squabble among themselves or to attain ends of their own with which you have no concern. I shall also permit, indeed I shall encourage, some of your fellow workmen and outsiders as well, to frequently and publicly censure you and your work, and often to do this not only harshly and uncharitably, but ignorantly and in bad faith, without knowing what you have really done and without wishing or trying to know this. Often, moreover, while you are at your work-bench, a crowd of silly and badly behaved urchins called newspapers will hoot and make faces at you and draw on the walls nonsensical pictures intended to wound your feelings and make you ridiculous, and I shall tolerate and even applaud their antics. Finally, if you shall stay with me far longer than do most of my workmen, and, by reason of this long and faithful service, can no longer work hard or find work

readily, when I have done with you I will show you the door with no mark of gratitude for the past and no provision against want for the future." Is it likely that a private employer who talked thus and whose acts squared with his words would get such a workman? And, if it isn't, why should one of our States or the Nation hope to do better?

There are two classes of our public servants who are treated, in the main, as all servants must be treated by a master who would be well served: I mean our judges and the officers of our Army and Navy. We behave to a judge, we behave to a military or a naval officer as if we expected to find him a man of honor: and, in no small measure as a result of this treatment, with lamentable but comparatively rare exceptions, we do find him a man of honor. We safeguard our soldiers and sailors against an old age of misery, and men of the highest character and capacity willingly relinquish the hope of wealth and the independence of civil life to thus serve us. Although, as yet, a like provision for our judges is scandalously far from universal, and although their salaries amount hardly to a living wage, we yet find men worthy of the Bench to give up for it all the great possibilities of our Bar. Our Courts and our Army and Navy are indeed far from perfect; neither is our treatment of those who preside in the former or who command the latter in all respects just to them or worthy of us; but, speaking broadly, we deal with these men as though we wished the best men for our service, and, again speaking broadly, we obtain for our service the best men to be obtained for our outlay; indeed it were safe to say far better men than the like salaries command elsewhere.

Our judges are far more capable than are our legislators to give expression and effect to the people's will; they are also more competent and more faithful interpreters of what is the people's will, because far less liable to be misled as to this by mere outcry from the press or the tawdry gabble of agitators; for, ever since the days of the Three Tailors of Tooley Street, the query: "What is" or "Who are 'the people'?" has been matter of debate and often of dispute; and, although it has received, for practical purposes, many different answers in different countries and at different times, the

legal "people," that is to say that part of the community empowered by law to speak and act for the whole, has been always and everywhere a minority of all the human beings subject to the "people's" will. Moreover, if we look critically and philosophically into the genesis of any notable piece of legislation, we shall become convinced that only an extremely small fraction of even the legal people has had any appreciable or recognizable agency in its production and that what we have described as "the will of the people," is in reality the will of but a few among the individuals composing the people.

In truth, in the human body politic, as in the human body physical, development of will power is a specialized function. The former has always its hewers of wood and drawers of water, to do as they are bid like the hands and feet, the arms and legs: *locomotor ataxia* is no less a malady in politics than in physiology. Other classes are its vital automata, working, as do the heart and lungs, at their several tread mills, with no thought beyond their daily tasks and daily needs, yet on whose continued labor depends its continued life. The hunger for gain of still others among its members makes them, like the stomach, in seeming blindly selfish and greedy, but, under proper control, none the less indispensable to its health; like a man, a community languishes when it loses its appetite. Finally, it has the equivalent of a brain, the seat of its political consciousness and the source of its political will, an organ which, in politics, thinks and decides for its whole mass.

Now, the brain is always a very small portion of the organism, even in man it is only two or three per cent, although its proportionate size grows steadily as we ascend the scale of physical being. If one man may say truthfully, or with any approach to truth: "*L'Etat c'est Moi*," the State of which he speaks has, politically, but the rudimentary brain of a fish or a reptile. Unquestionably the political brain of the American people is vastly more developed; but it is none the less a specialized organ, and to recognize, interpret and intelligently obey its dictates we need the services of true experts; we find these in our judges.

A very singular doctrine has been advanced of late years to the

effect, in substance, that our judges are exempt from public criticism, at all events with respect to their judicial acts and utterances: if the newspapers may be trusted, a member of the Legislature of a great state recently spoke of a resolution of censure on a judge as "anarchistic." There can be little doubt that the germ of this curious notion is found in the facts that any effort *ab extra* to influence the action of a judge or a jury *in a pending cause* has been always held a contempt of court, and that criticism of the court may amount to or involve an attempt at intimidation or an appeal to sympathy. It would be well, in my opinion, at least, if these well established principles of law were more generally respected and more practically enforced; but they furnish no support for the novel and extraordinary theory of judicial immunity to which I have referred. As is said by Mr. Justice Holmes, speaking for the Supreme Court, in *Patterson v. Colorado*, 205 U. S. 462: "When a case is finished, courts are subject to the same criticism as other people." In fact, the judges themselves are and ought to be courteous but severe and therefore useful critics of each other: the opinion of Mr. Justice Harlan from which I quoted at the commencement of this article furnishes a striking example of just such criticism.

While, however, it is alike foolish and mischievous to ask that our judges be exempted from the ordinary incidents of public service in a free country, it is clearly the duty of every good citizen, yet more clearly of every worthy lawyer, to protest with all his powers against any such detestable device to promote judicial servility as the so-called "re-call," and against an encroachment in any form on the absolute and inflexible independence of our judges. God forbid that the day should ever come to America when the rights of Americans shall be left to be vindicated, the liberties of Americans shall be left to be protected, by a Bench made up of men "with their ears to the ground"! The greatest judge our country ever had said in the Virginia Constitutional Convention of 1829:

"Advert, sir, to the duties of a judge. He has to pass between the government and the man whom that government is prosecut-

ing—between the most powerful individual in the community and the poorest and most unpopular. It is of the last importance, that in the performance of these duties, he should observe the utmost fairness. Need I press the necessity of this? Does not every man feel that his own personal security, and the security of his property, depends upon that fairness? The judicial department comes home in its effects to every man's fireside;—it passes on his property, his reputation, his life, his all. Is it not to the last degree important, that he should be rendered perfectly and completely independent, with nothing to control him but God and his conscience?"

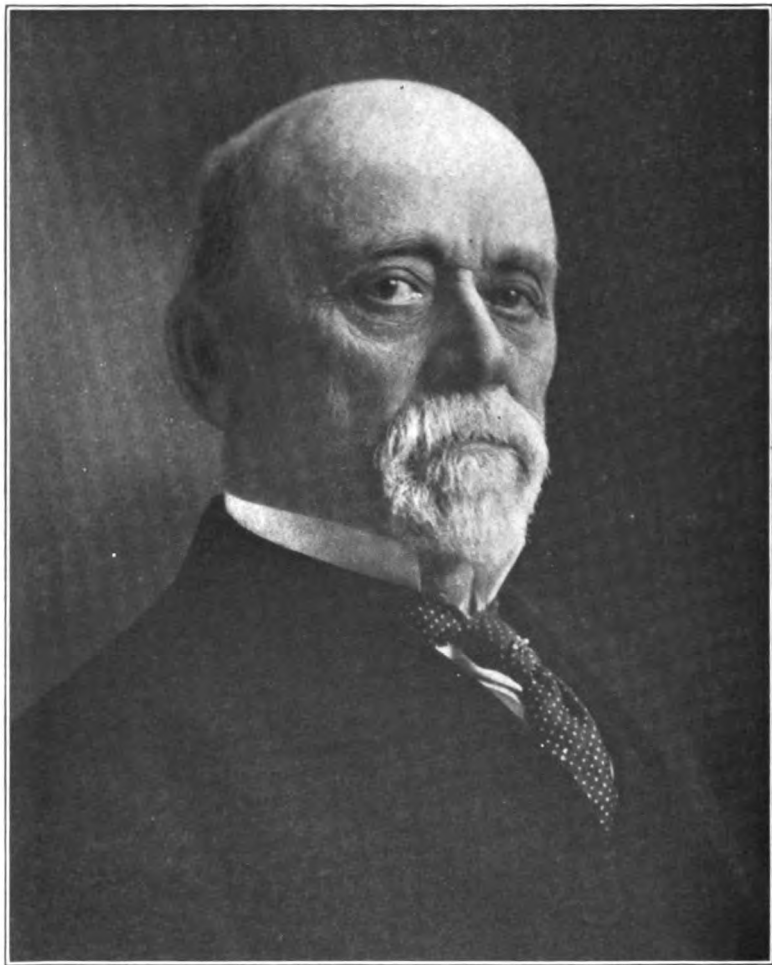
Having thus spoken, John Marshall might well add:

"I have always thought, from my earliest youth till now, that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and a sinning people was an ignorant, a corrupt, or a dependent judiciary."









**GEORGE W. WALL**

## JUDICIAL SETTLEMENT OF INTERNATIONAL DISPUTES.

BY GEORGE W. WALL, OF DU QUOIN, ILL.

Civilized men long since abandoned trial by battle as a means of settling disputes between individuals.

It was a primitive and barbarous idea resting on the delusion that justice would enable the right man to win regardless of all physical advantages possessed by his adversary. Merely a resort to force, it ignored all questions of right and wrong.

Society early found that its chief business was to preserve order which necessarily included the adjustment of controversies arising between its members.

In the beginning it was apparent that order was impossible if such adjustments were left to the parties in dispute. On the most evident grounds of reason and propriety it was clear that no man should be allowed to sit in judgment in his own case or to enforce his own demands. So every man was forbidden to take the law into his hands and was required to submit his grievance to a tribunal provided by the State which should be capable and impartial and whose judgment should be conclusive of the rights of the parties.

This feature of society is fundamental. No state can exist without it. It is an axiom that wherever there is society there is law. *Ubi societatis ubi jus*. Remove this pillar and the whole fabric must fall.

There can be no system of social order without it.

This is so in all communities where the idea of Government prevails: and while details differ and though the rules and principles upon which rights depend are not the same in all yet the central, basic, thought is that Society must assume the settlement of

all disputes arising within its borders and that this is an exclusive attribute and function of Sovereignty which no individual may presume to exercise on his own account. Hence if any man with a strong hand and a multitude of his followers seeks to enforce what he considers, even with reason, his rights against another he falls under the ban of the law and may be held civilly and even criminally for his unlawful act. All this is too familiar and commonplace to be stated except as a preface to what follows. The principle is applicable only as against the individual citizen. The state claims for itself a different rule. In its dealings with other states it admits no superior authority to which all must bow. If it chooses and if it can, it may by force compel acquiescence in any demand it cares to make. It may invade the territory of another power, may seize or destroy property, may capture and kill *ad libitum*, and is responsible to no authority whatever. Its only limitation is its might. It may disregard all rights, all treaties, all rules and all precedents and if it is overcome in the contest it can appeal no where for relief against the loss and humiliation it may sustain, nor is it liable to its citizens for the injuries they may suffer by reason of its defeat.

This is war. The individual citizen who is compelled to submit his disputes to the courts of his country may be required to bear his share of the cost of a war prosecuted by the State either for invasion or defense, and, more, may be required to render his personal service and yield his blood and his life on the field of battle. Why this anomaly?

Because there is no Society of Nations: because nations recognize no authority, acknowledge no tribunal to whose judgment their controversies must or may be submitted for adjustment. In this respect nations as such occupy the same position that individuals occupy where no society has been organized. True, nations have at various periods in history recognized in a way more or less imperfect, certain rules of conduct in their dealings with each other, whether at peace or at war, but this is merely the effect of moral evolution always going on, tending to promote humanity, justice,

mercy and peace, not however because of any power efficient to supervise and control national action.

We shudder at human suffering. If one man sheds the blood of another we are shocked. We deprecate all manner of personal violence. We hesitate to impose suffering as punishment for crime, however brutal it may be. If a great disaster occurs on land or sea, in the mines, in theaters or anywhere, if an epidemic of disease carries off many lives all our sympathy is aroused and we are filled with horror because so many of our fellow creatures are cut down. We build hospitals, we seek to prevent pestilence and famine, and in every way to guard and protect human life.

We care for the insane and the unfortunate at public expense. We even have societies for the prevention of cruelty to animals. We prohibit prize fights and cock fights and the like because they are brutal and demoralizing. Yet we organize immense armies drawn from the body of citizens and equip them with all manner of death dealing weapons. We send them to the field where they meet other armies equipped with like means of destruction.

Thousands are killed and other thousands are horribly wounded and maimed. We read and hear of all this without an apparent pang and if our army has won we are thrilled and rejoiced by the victory regardless of its fearful cost in blood and treasure.

The awful casualty known as the destruction of Herculaneum and Pompeii has been a theme of horror for 1800 years, paralleled only by the similar instance of St. Pierre on the Island of Martinique a few years ago. Yet in many battles of ancient, medieval and modern times the toll of death has been larger than in either of these great calamities.

It is said that Napoleon took with him 600,000 men on his invasion of Russia and that barely 20,000 returned with him to France. When we hear of the unspeakable brutalities, the wholesale slaughter, the merciless bloodshed of battle, our instinctive horror at the loss of human life or any form of suffering seems to be in abeyance. Why? Oh, it is war and we are not so impressed by these as we are by the lesser and fewer casualties from accident or epidemic, though the latter are unexpected and in a way unpre-

ventable while the former are the sure consequences of premeditated action.

“One to destroy is murder by the law,  
And gibbets keep the lifted hand in awe;  
To murder thousands takes a specious name,  
War’s glorious art, and gives immortal fame.”

For centuries the chief occupation of mankind was warfare. That seemed to be the normal condition everywhere, so that History is mainly made up of the sieges, battles and strategies of war. The literature of the world is largely concerned with the pomp and glory of war. So that when it is said sometimes that peace hath her victories no less renowned than war the statement seems more poetic than truthful, more fanciful than real.

While the tendency of modern times has been toward peace yet the scourge of war persists.

Gen. Kuropatkin in his history of the Russo-Japanese war, recently published, says that in the course of the past two centuries Russia has had peace 72 years and war 128 years, and that exclusive of civil conflicts she has waged 22 aggressive wars lasting in the aggregate 101 years, with four defensive wars lasting four and a half years.

The Napoleonic wars exhausted Europe and for 35 years there was peace *ex necessitate*, but beginning with the Crimean War, 60 years ago, there were the Indian Mutiny, the French campaign in Italy, the Austria-Prussian, the Franco-German, the Russo-Turkish, the China-Japanese, the South-African, the Russo-Japanese wars, and within a period beginning sixty-five years ago we have had in America the war with Mexico, the Civil War, the war with Spain, to say nothing of the numerous wars in Central and South America and in Mexico, regions where it would seem the normal condition is revolution.

For hundreds of years there has been an effort more or less persistent to formulate and establish international law with reference to commerce in time of peace and also regarding the conduct of belligerents and neutrals in time of war, and there has grown up a body of rules and customs recognized generally among nations

by which in a general way nations govern themselves in their intercourse with each other. Of course the obligations thus imposed are imperfect because there is no tribunal as yet whose voice is potent to state and apply the law in case of disagreement, or to enforce it. It has often been suggested that there can be no such thing as international law, practically speaking so far as nations are concerned, since law requires not only a court for its pronouncement, but also a force back of the court which if need be will compel obedience. Yet as a matter of fact there are some rules so well recognized that no nation can afford to ignore them. Public opinion is all powerful here as it is in private matters. For instance: The Trent affair during our Civil War, in which our government surrendered to England the Confederate Commissioners Mason and Slidell, who had been unlawfully taken from a British vessel.

The necessities of Commerce lead to various treaties which may become precedents and which may tend to establish customs to be followed later where there are no treaty stipulations.

The more thoroughly the affairs of nations are intercommingled by trade the more disastrous and unpopular are armed conflicts between such nations.

The growth of a country in manufactures and trade makes that country more and more interested in the peace of all nations with whom she trades, and in recent times wonderful changes have come to many nations in commercial affairs.

For example, Italy, which has had a national history for scarcely 50 years, has within the past 30 years become a great exporter of cotton fabrics made in her own mills largely from American cotton, and it is stated that during the year 1909-10 she sent over 50 millions worth of goods to the United States of America, a like amount to Switzerland, 35 millions to Great Britain, 60 millions to Germany, 40 millions to France and 30 millions to Austria-Hungary, and in the year 1909 she bought 80 millions worth of raw cotton from the United States of America. How serious to Italy as well as to Europe generally would be a state of war paralyzing those industries and suspending those exports.

The great increase of trade and commerce of the new Italy is

characteristic more or less of all nations of the present day. Men are directing their brains and energies more to the arts of peace and less to the arts of war. By virtue of treaties binding upon their more powerful neighbors certain countries enjoy what is known as guaranteed neutrality; that is, they are exempt from invasion upon condition that they take no part in conflicts arising among the treaty powers, *e. g.*, Switzerland, Belgium, Norway, Luxemburg and the Ionian Islands.

By common consent and practice many of the horrors of war, especially affecting non-combatants and conquered districts, have been mitigated and as compared with the conditions of ancient or medieval times the methods of modern warfare are far less brutal and inhuman. The weapons of war have become immensely more destructive and doubtless this has a deterrent effect as has also the vastly increased cost.

The new war ships New York and Texas are each to be equipped with 14 guns 53 feet long, weighing 63 tons each, carrying a 1400-pound projectile twelve miles with such force as to pierce any armor yet devised. These guns with their mountings will cost \$125,000 each, and the powder and shell of each shot fired will cost \$700.

Today the world is asking itself why War should not be abandoned and why the burdens of continuous armament should not be dropped. In all ages humane and intelligent men have sought to abolish war, or failing in that, to make it more infrequent and less atrocious, and at various times and in various countries there have been concerted movements looking to international peace, generally making but little impression, apparently; but the seed thus sown has taken root more or less wherever it has been cast. Peace Societies were founded in England and America and later in various countries of Europe, and though at first their suggestions met only indifference or pitying sneers yet the cause now enlists the hearty support of many of the wisest and best and most influential men in all civilized countries.

The nineteenth century witnessed a wonderful development of Arbitration as a substitute for force in adjusting international con-

troversies. Time will not permit a reference to the various movements and conferences called for the purpose of mitigating and minimizing the conceded enormities of war and looking to the spread of peace. Some of these were called by rulers and governments of Europe but more grew out of the determined action of private individuals. Public opinion constantly pushed the subject to the front and constantly found expression in unofficial conferences.

In 1873 an Institute of International Law was established at Brussels by men deeply versed in the subject, the purpose being to consider the great problems arising from the intercourse of nations and to codify the rules which had to a greater or less extent been announced and recognized; the ultimate aim being to substitute reason for force in settling international disputes. The annual meetings of the Institute and the publication of its proceedings doubtless exercised a most efficient influence in the desired direction. The views put forward by all these movements together perhaps with the general desire and indeed necessity of many powers to reduce the grievous expense of maintaining armies and navies in time of peace as a means of preparedness for war led to the calling of the First International Peace Conference at The Hague, which met on May 18th, 1899. It was attended by accredited representatives of twenty-six nations, including all the great powers. Its work resulted in three conventions.

The first was a declaration favoring a peaceful settlement of international controversies, establishing *a*, that nations might tender their good offices and mediation without being deemed guilty of an unfriendly act by any of the contending parties. The President of the United States tendered the good offices of this country to Russia and Japan, leading to the termination of the war then raging between those powers; *b*, a commission to ascertain the facts of an international difficulty so that there might be a finding as to such facts by a commission composed of neutrals as well as nationals; such a commission effectively prevented war between Great Britain and Russia over the Dogger Bank affair; *c*, a court of arbitration providing that each nation select and appoint four persons of high



standing and versed in international law, and from this list each party should select one or more, with an umpire to be chosen by the judges so selected or by the parties; and an elaborate code of procedure in cases of such arbitration was provided.

Several nations have availed of the latter provision and have submitted their controversies and have accepted the results in important cases, thus making a peaceful adjustment of matters which unadjusted probably would have led to the old resort to war. This provision is however subject to the objection always to be urged in cases of pure arbitration, viz., that the arbitrators being selected by the parties are not in the position of permanent judges acting under a sense of judicial responsibility and may be suspected of bias or partiality, their award presumably a compromise to some extent, and not be regarded as a precedent or as settling a principle of law applicable to other like cases.

It is only an arbitration and cannot occur without the assent of the parties. The body of judges is not a fixed tribunal to which any party may resort and to which any party may be summoned, his consent to the proceeding being unnecessary to give jurisdiction.

The second convention adapted the Geneva Convention of 1864 (called the Red Cross Convention to ameliorate the condition of the sick and wounded on the battlefield) to maritime warfare.

The third convention codified the laws and customs of land warfare.

This peace conference was of immense value from the standpoint of international progress and worldwide humanity and the discussions following led to the Second Conference held at The Hague, beginning June 15, 1907, and continued four months. It was attended by the representatives of forty-four nations. It revised and improved the conventions of the first conference and added ten others; restricting the use of force for the recovery of contract debts, relating to the opening of hostilities of which there must be notice, protection of belligerents from surprise or bad faith, safeguarding the rights of neutrals and regulating their duties, concerning enemy merchant vessels in enemy ports or upon the high seas at the outbreak of hostilities, regulating submarine automatic mines, forbid-

ding the bombardment by naval forces of undefended harbors, villages, towns or buildings, restricting the right of capture in maritime war, and forbidding the launching of projectiles and explosives from balloons.

The twelfth convention provided for the establishment of an International Court of Prize, subject to the ratification of the powers. Manifestly it is objectionable that belligerents should adjudge as to the lawfulness of the capture of neutral property. This is to be a permanent court to which appeals may be taken from the highest court of the captor's country, and being thus seized of the law and the facts may pronounce a decision final and binding upon the parties litigant.

The conference also recommended the establishment of a "Court of Arbitral Justice" and putting it into effect as soon as an agreement may be reached as to the choice of judges and the constitution of the court. It also recommended the holding of a third peace conference at The Hague, to be held approximately eight years later. At this conference it was found impossible to agree upon a plan for the selection of the judges of the suggested Court of Arbitral Justice, because each of the forty-four powers wished a member of the court, and manifestly so large a body of judges would not be advisable; but it did provide for an International Prize Court, and for the mode by which the judges should be selected, viz. A permanent judge was given to each of eight leading powers—Germany, United States of America, Austria-Hungary, France, Great Britain, Italy, Japan and Russia.

The remaining powers were allowed seven judges who were to rotate, sitting one, two, three and four years, according to population and commerce.

In October, 1909, Secretary Knox issued an identical circular to the Powers represented at the Second Hague Conference, suggesting that the International Prize Court, which ordinarily would not sit in time of peace, should be clothed with the authority of the proposed Court of Arbitral Justice and sit permanently.

The replies received as it is understood indicate a preference for the Court of Arbitral Justice in addition to the Prize Court,

the judges to be selected in the mode prescribed for selecting the judges of the latter court. The Secretary of State has authorized the announcement that there is reason to believe that the Court will be instituted before the meeting of the Third Hague Conference, but should this expectation not be realized it seems reasonably certain that Conference will provide for such a Court, permanent in character and clothed with authority to decide all international controversies. Nothing but a reactionary change of public opinion is likely to prevent, and it is now more than possible that within the first quarter of the twentieth century such a court will be established and exercising its great functions: that thus reason shall be substituted for force in adjusting the disputes of nations as well as individuals and that the military and naval forces of the world may be dispensed with except so far as needed for mere police purposes. Of course it will always be necessary for every nation and for constituent states to maintain a reserve military force to suppress mobs and insurrections and to guard property of special value or in conditions of peculiar exposure, just as it will always be necessary to provide police to preserve the peace in cities and to provide strong boxes and watchmen to protect money and other valuables.

The subject of international cooperation for peace, the abolition of war and the substitution of a judicial settlement of international controversies has long held the attention of the most philanthropic, the most patriotic and the most judicious minds.

The record of their efforts would fill many volumes, and nowhere have these efforts been more effective upon public opinion than in Great Britain and the United States—the two great English speaking countries—whose people have never shown any want of valor or courage and whose military standards have ever been plumed with all possible glory. These advanced views have of course met opposition, but the growth of the peace sentiment, the actual results accomplished in the adjustment of numerous controversies through the mediation of arbitration since the first Hague Conference, and the negotiation of numerous treaties for the adjustment

of other possible disputes show what a strong hold the subject has taken upon public opinion.

Those who regarded the plan with doubt and disfavor may now see that it is practical and possible.

Like all movements based upon a great principle, vitally involving the welfare of mankind, predicated upon the soundest considerations of reason, this movement has constantly gathered force and it will not stop until the goal is reached. Looking back over the sad history of the world's warfare the wonder is that it has been so long delayed. The simple proposition that questions between nations like those between individuals should be settled by reason and not by force seems axiomatic. As in the smaller spheres of municipal government men cannot be permitted to disturb the common peace by fighting over their disputes, so in the larger domain of national affairs the welfare of all requires that there shall be a peaceful adjustment of any controversy that may arise.

The cost of war in blood and treasure is most appalling. It is estimated that during the period covered by history fifteen billions of lives have been destroyed and that forty billions of dollars have been expended. In this country since the government was established four billions of dollars have been expended for pensions, three-fourths of which since the Civil War. Today the United States is carrying an expenditure of approximately 380 millions per annum—over one million dollars daily—on account of pensions and to maintain the army and navy, 70 per cent of of all the money raised by taxation going to this end, in other words seven dollars out of every ten derived from the tariff and from the internal revenue are expended on account of pensions for wars now over and in preparation for possible wars to come. The English army and navy cost nearly 240 millions per annum, Germany still more, France a little less. For these four leading nations of the world these expenses now in time of peace foot up more than one billion of dollars annually. For Italy, Austria-Hungary, Russia and Japan the annual cost is estimated at 834 millions. These astounding figures make it imperative that war must cease and with it the senseless and prodigal waste of money for armaments in view of war. A remedy must be found.

The United States, Great Britain, France and Germany might by treaty agree to submit all their disputes to an international tribunal and might compel all other nations to do the same. Better still would be an agreement at the next Hague Conference representing the nations participating in the last, establishing a permanent court to which all disputes must be submitted.

Such a court would, like the courts of common law, soon build up and settle a body of international law covering by its general principles all cases like to arise.

The precedents so established would guide the nations in their intercourse with each other just as the municipal law now settled in each nation now guides its citizens in their private affairs. Whatever may have been thought of this heretofore it is now seen to be feasible and practically attainable. The wonderful advance in the means of transportation and the transmission of intelligence all over the world tend to new and advanced ideas on the subject of commerce and the absolute necessity of peace.

The battle of New Orleans was fought on the 8th day of January, 1815, though a treaty of peace ending the war had been concluded on the 24th day of December, 1814, by a joint commission sitting Ghent, Belgium, whose conclusion was unknown here for a considerable time after the battle. What a change has taken place since then, not only in material conditions but in the views of the civilized world on the subject under consideration!

Methods then acceptable cannot be tolerated now.

It has been objected that there are some questions affecting vitally the honor and material interests of nations which cannot be submitted for arbitration or judgment—which means that any question may be so regarded and excepted—every nation being the exclusive judge of the questions it will submit.

The private citizen has no such privilege. All his rights, absolute and relative, his life, his liberty, his reputation, his property, everything is subject to the arbitrament of the law and by this in all things he must abide. Wherein are the honor and material interests of the nation more sacred than those of the individual? This is merely the plea of the duelist. The "Code," so-called, ig-

nored the law which denounced and punished murder, and for an incredibly long time public opinion sustained the "Code."

Hamilton dared not face public opinion as it then stood and unwillingly went to the "field of honor" where he was killed by the man who had wronged him and whom he had not wronged. Randolph, Clay, Jackson, Benton and many other public men went on the field. Even Lincoln, though he saw the absurdity and wickedness of the duel, dared not decline to meet Shields, yet as the challenged party he made terms which he probably intended should and which probably did avert the combat. Still with his second he started to a point beyond the state line where the duel was to occur. Happily the intervention of mutual friends was effective and the duel was abandoned. Today no man seeking public favor dares to send or accept a challenge in this country or in England.

What public opinion has done in respect to the private duel it may do in respect to the public duel. There is no more justification for the one than the other.

President Taft has avowed that he sees no reason why matters of national honor should not be referred to courts of arbitration.

Sir Edward Grey, foreign secretary of the English Cabinet, has indorsed this position of the President and it is understood that these two great nations are now through their diplomatic representatives preparing a treaty which shall provide for a submission to arbitration of all controversies hereafter arising, similar to the Olney-Pauncefote treaty negotiated near the close of the second Cleveland administration, which treaty barely failed securing the two-thirds vote of the Senate necessary to its ratification. England and the United States have often disposed of disputes in that way, but in each instance there has been a specific act of submission, each nation being under no obligation to so submit other controversies.

Here however it is contemplated that all controversies of whatever sort shall be so adjusted. Should such a treaty be adopted and ratified by both nations it will be a matter of the greatest international interest and importance and will be of immense influence in leading other nations to the same position and will almost certainly induce the Third Hague Conference to provide for the permanent International Court.

Should such a court be established it would no doubt be deemed advisable that "conventions" be adopted binding upon the court and to be regarded as organic rules or limitations—somewhat in analogy to the provisions to be found in the Federal and State constitutions of the United States which tend to safeguard the rights of the individual on the one hand and which on the other define and fix certain powers and rights as between the States severally and as between them and the Federal authority.

For example: It is not contemplated that the boundaries or jurisdiction of any Power for governmental purposes shall be enlarged or diminished without consent of the Powers to be affected in any substantial way; nor that the settled political principles or form of government adopted by any Power and generally acknowledged or acquiesced in by other Powers shall be overruled or disturbed without consent, nor shall the internal affairs of any nation be the subject of supervision or interference by other nations, nor shall any Power be compelled to surrender its views upon questions of morality or religion or domestic policy, etc. When the International Court of Arbitral Justice shall be established the International Prize Court will become superfluous—a monument to a past order of things.

The legal profession naturally favors the reign of law: *Inter arma silent leges*. There is no body of men whose education and training, whose instincts and whose interests are more opposed to war. When war is on, the law is in abeyance. Constitutions, statutes, courts, are swept aside and until the contest is over and the civil authority is restored the ministers of the law are driven to the rear or suppressed.

To lawyers then the appeal for international peace comes with peculiar force.

Of all men they should be foremost in this great reform. While the ultimate result seems reasonably certain there is much to be done and there is more opposition than is generally perceived or is openly avowed; indeed the opposition is considerable and persistent. For one reason or another many men are not for peace.

There are those who always welcome war because it runs with

the natural savagery which has not been wholly eliminated from the average human being; because it brings opportunity to win popular favor; because it may promote the welfare of a political party; often and most potent, is the prospect of gain for contractors, furnishers of supplies, shipbuilders, armor plate makers, gunmakers, speculators, and all who fatten upon the miseries of the times. And it must be remembered that war is apt to be popular. Even those who must bear the burden as soldiers and taxpayers find it hard to resist the fife and drum.

Mr. Andrew Carnegie has long been a conspicuous advocate of worldwide peace, contributing freely with his purse no less than his pen. Last December he made the princely gift of ten million dollars to be used in furtherance of the movement, placing upon the trustees of the fund no conditions as to the methods they should adopt.

The trustees, men of marked ability and fitness for the task, have announced that their work will be along three general lines or divisions—International Law, International Economics and History, and International Intercourse and Education.

As indicated by their terms, these divisions will press:

First: The development, elaboration and general knowledge of international law.

Second: The discussion of the economic causes and effects of peace and war—in a broad sense, international political economy.

Third: Supplement the first two by promoting international intercourse and information and establishing a better understanding of international rights and duties and a more perfect sense of international justice among civilized nations. The ultimate purpose is to reach and educate public opinion the world over, and it must be conceded that no such broad and philosophic conception of international relations has ever before been put forward as that which the trustees of this fund have thus formulated.

The world is moving in this matter.

Quoting from the address of Nicholas Murray Butler, presiding at the recent Lake Mahonk Conference on International Arbitration, "Never before has the mind of the world been so occupied



with the problems of substituting law for war, peace and righteousness for triumph after slaughter, the victories of right and reasonableness for those of might and brute force. It begins to look as if the stone of Sisyphus that has so often been rolled with toil and tribulation almost to the top of the hill only to break loose and roll again to the bottom is now in a fair way to be carried quite to the summit. The long years of patient argument and exhortation and of painstaking instruction of public opinion in this and other countries are now bearing fruit in full measure. In response to imperative demands of public opinion responsible governments and cabinet ministers are just now diligently busying themselves with plans which but a short time ago were derided as impractical and visionary."

It seems unaccountable that evolution has gone so slowly and haltingly in this respect.

At first blush it would seem that among men who are no longer barbarians there must be a way better than war to settle the disputes of nations. And there is. "Peace rules the day when reason rules the mind." As Carlyle puts it, in *Sartor Resartus*, battles are not fought because the contending armies have any cause of quarrel, but because their rulers have fallen out and instead of shooting each other, have set their soldiers at it.

"War's a game which were their subjects wise  
Kings would not play at."

Public opinion is omnipotent; it can make and unmake; it can elevate and destroy.

No government, republic or monarchy, can long prosecute a war which is unpopular with the masses. Let the legal profession rise to its great opportunity. Let it mould and direct public opinion. Let it teach the people that war is always unnecessary and avoidable, that every war is on one side or the other, and sometimes on both, a stupendous crime; that war is the sum of all evils. In so far as it shall do this it will deserve the lasting gratitude of mankind.





**MARY M. BARTELME**

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**SPECIAL ADDRESS.**

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**A WOMAN'S PLACE AT THE BAR.**

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BY MARY M. BARTELME, OF CHICAGO.

Had any member of the Bar preceded me with a paper fully and truthfully setting forth "A Man's Place at the Bar," my address to you would contain just one sentence: "My predecessor has defined "A Woman's Place at the Bar."

The subject is one that I would not have chosen to speak on, for I do not feel competent to fix or define the place of another. Each must seek and find that for himself or herself. John Stuart Mill has said: "The proper sphere for any human being is the highest sphere that being is capable of attaining; and this cannot be ascertained without complete liberty of choice."

I am well aware of the many prejudices that exist against women entering different professions and fields of occupation, and also am aware that they exist largely among persons who have not given the matter serious consideration and whose sentimental opinions are based upon conditions that existed in the good old time of their forefathers, to which they would not return if they could. They are still bound by the tyranny of tradition.

Not many years ago addresses were made and articles written advocating the prohibition of women in industrial and professional fields because they were trespassing upon the domain of men. They complained that women were out of their sphere, and yet many of the men who were advocating such measures and defining woman's sphere, were opening mills and factories, dairies, bakeries and canneries which were taking out of the home the many activities that had been woman's contribution to the family household, and as a matter of economy and good business management will never be returned to the home.

The spinning, weaving, knitting, making of butter, and to a large extent, the sewing, baking and canning are no longer done in

the home by the women of the household, and women necessarily have followed their work in order that they may contribute their part to the maintenance of the family, and it is not because of their whims or wishes, their desire for feathers and frills and their loss or lack of love for home ties and family life, but because economic conditions have changed and they are forced to do their part where they find it.

The question of competition is another factor that places barriers in the entrance of women to the professions or vocations heretofore wholly occupied by men. As an illustration of the unfairness of this attitude, let me cite the experience of a woman teacher who wished the opinion of some experts on her theory pertaining to the treatment of certain scientific subjects. Her first requests were signed with her full name, and the replies to them were courteous but empty. She then wrote a letter signed with her initials, which brought forth this reply:

"DEAR MR. A.: I am tremendously interested in the question and consider it the most vital and important with reference to ——— education now before the teachers of the country. You will have a hard fight for your position, but you can't hit too straight from the shoulder to suit me. So many women teachers who ought to be tatting or doing other fancy work, are wedded to their pretty little courses in . . . . ., and they will fight for them like cats. I hope you will get your paper printed. Could I not help you?  
Very sincerely,

————— " "  
("The Education of Women," by Talbot.)

Naturally, as woman has gone out into the world she has had a broader view of life; she has learned more of its possibilities and its responsibilities, and like man, is taking advantage of every avenue that opens up to her in her pursuit of life, health and happiness.

Bjorkman has said: "Woman is seeking for new means to fulfill her nature, not for ways of violating it."

The question, "Will women lose interest in wifehood and motherhood through entering these broader fields? may be an-

swered, Yes. From the standpoint of marriage for shelter and support, or to escape the opprobrium of being an old maid, she may; but from the basis of marriage for wholesome companionship and love, I believe that in the ultimate adjustment of economic conditions, because of her greater understanding and broader knowledge and views of life, she will come nearer to the highest ideals of home and family life and relationship, and, as a natural consequence there will be fewer divorces, fewer delinquent and deficient children, and fewer helpless, ignorant and deserted families.

A recent writer has said: "Doubtless the home is woman's sphere; but the home includes all that pertains to it—city, politics and taxes; laws relating to the protection of minors, municipal rottenness which may corrupt children; schools and playgrounds and museums which may educate them."

I am frequently asked, "Are women as successful as men in the legal profession?" The only fair way to answer that question is to compare those who have had the same or similar opportunities and handicaps in business life and education.

Many lawyers of today were preparing for their profession in colleges, universities and law schools until they were far along in the twenties. Very few of the women who are practicing have had such advantages.

A majority of the practicing women lawyers had a high school or business college education, and at sixteen or seventeen went into law offices as stenographers. They became interested in the law, took up the study at night school, were graduated, and began to practice, and I marvel at their pluck and what they have accomplished. They have been the pioneers, and I trust that in the future more women who have had higher educational advantages will enter the profession.

Men from childhood hear business matters discussed, and if a father intends that his son shall enter the legal profession, early in the son's life he takes him to his Clubs, and aims to place him in contact with lawyers and men who are handling large business interests, while the daughter, who may have a desire to enter the

profession, almost never is given these opportunities, and today, in order to secure a large and lucrative practice one must be a business man or woman, as well as learned in the profession.

The young man who can show a good university and law school record can readily find an opening with one of the best law firms of his city or county. This is not true of the young woman graduate of high standing.

A man is admitted to the profession and begins to practice. He does not have to undergo a measuring up of his clothes, character, disposition, appearance, attitude toward the other sex, etc., on the part of his fellow attorneys. He is taken to be a man earnest and sincere in his profession, while she must give proof of her sincerity of purpose and motive in entering the profession.

She has been hedged about by many limitations, all of which have not yet been removed. One which narrows her possibility of service is that which refuses her the power to participate directly in the making and enforcing of laws which largely govern herself and family. Women as fellow-citizens should have the right to "devote themselves to the common task of advancing the ideals of the nation to their goal."

All will concede that a few years of general law practice are an excellent foundation before specializing. Personally, I believe few women will enjoy or choose criminal cases, or strenuously contested civil cases.

Contested matters before a jury require the expenditure of an amount of nervous energy which, held in reserve for office counsel and work for chancery, real estate law, probate practice, questions pertaining to domestic relations, etc., will bring her much more satisfactory and lucrative results.

As lawyers are usually ready to follow a precedent, it may be well, in the attempt to discover a woman's place at the Bar, to take up some of the factors that determine a man's place at the Bar. Among them I would mention:

1. His education, general and legal.
2. His character, emphasizing his integrity and sense of justice particularly.

3. His personality, under which I would emphasize his ability to secure and establish confidence in himself.

4. Does he see and seize the opportunities that mean openings for himself?

5. Does he continue a student of law during his entire practice in order that he may be efficient in advising his clients as to their legal rights?

6. Does he, in attempting to secure his client's rights, aim to keep him out of court, or does he encourage litigation?

7. Does he, in his duty to advise the court, aim to secure justice by using every fair and honorable means with the court and his fellow attorneys? Or does he, by urging legal technicalities, seek to secure the approbation of his client regardless of justice?

8. How does he choose between the large fee that can be gained through the use of questionable means and doubtful practice, and the refusal of that fee with the retention of his self respect and possibly a smaller bank account?

9. Is he willing to commercialize his profession and secure only financial gain through it, or is it to him a noble calling to which he answers from the highest standards set by such men as Lords Mansfield and Coleridge, our own John Marshall and Abraham Lincoln?

Such, I believe, are the principal factors that determine a lawyer's place at the Bar.

The mental capacity of women to ably handle legal questions is often doubted. The highest record ever made by any student graduated from the law school of the University of Chicago was made by a woman, and Judge Julian Mack, one of her professors, said to me that she had one of the most analytical and logical minds he had ever known, and I was told on Wednesday that a woman stands either first or second in this year's graduating class of eighty members.

The records of woman's work in co-educational universities will show that she does not fail to secure her full proportion of honors with men.

There are perhaps ten women devoting their entire time to



the practice of law in Chicago today, but I know personally that they are, from an earning standpoint, making a comfortable livelihood with something to save.

I believe there is no profession the possibilities of which are so great, so far-reaching as that of the law, and, therefore, none so fraught with responsibilities, for it touches every phase of human life and I believe the place of any one in this profession is not a question of sex, but of qualification.

I am going to digress from my subject, yet the suggestion I am about to make may be germane in this, that it illustrates the sort of subject in which women lawyers deem it a duty to take an interest.

It is always easy to interest a body of lawyers in questions that involve large public corporate or individual property rights, but today I wish to call your attention to the consideration of laws that affect children, and wished that I had asked permission to devote my time before this Association to that subject instead of one that necessarily is so opinionated as the one assigned to me.

The Child Welfare Exhibit recently held in Chicago has shown our really criminal neglect in providing for and properly protecting children, and only a cursory glance at the conditions is needed to convince any person of the inadequacy of our laws and the lack of their enforcement.

"The United States census in 1890 classified criminals in the 58 reformatories in the United States, according to the age at which the criminals commenced their careers of law defiance, the number at 7 years being 63; at

8	years	143	
9	years	260	
10	years	466	
11	years	265	
12	years	1182	A gradual increase.
13	years	1478	
14	years	1769	
15	years	1751	
16	years	1626	

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17 years	921	A gradual decrease.
18 years	410	
19 years	213	
20 years	103	
21 years	25	

This table plainly shows the need of better care and training between the ages of ten and nineteen, the formative and most critical period of a child's life.

More than 4,100 children came before the Juvenile Court of Cook County last year, about 2,500 of whom were delinquents.

Of 476 delinquent girls, only 35 were cared for by the state; 75 by charity, and 232 returned to their old environment.

Over 100,000 children in Chicago live in such dark, crowded, ill-ventilated rooms that their health is constantly menaced.

The report of the Vice Commission should make every respectable citizen hang his head.

One night's canvass in Chicago showed 86,000 children in unregulated and dangerous dance halls. The majority of boys between 16 and 18 years of age; the girls between 14 and 16. Out of these 328 dance halls, 190 had saloons opening into them, and liquor was sold in 240. At one hall a prize of \$100.00 was offered to the girl who, at the end of the month, had the largest number of drinks placed to her credit. Chicago has been cited by me in several instances, but I am informed that in some of the smaller towns temptations are as numerous and conditions as bad in proportion to the population.

Hundreds of working children are crippled annually because we have not insisted on properly protected machinery, and in some of our states little children 9 and 10 years of age are working 8 or 10 hours a day in mills and factories.

Laws alone will not correct all these conditions, but demanding officials who will plan to meet the needs, demanding taxation adequate to defray all proper costs; securing laws that will give to children the education, environment, recreation and protection that will fit them for citizenship in its highest sense, and arousing a sound and inflexible public sentiment to support the movement.

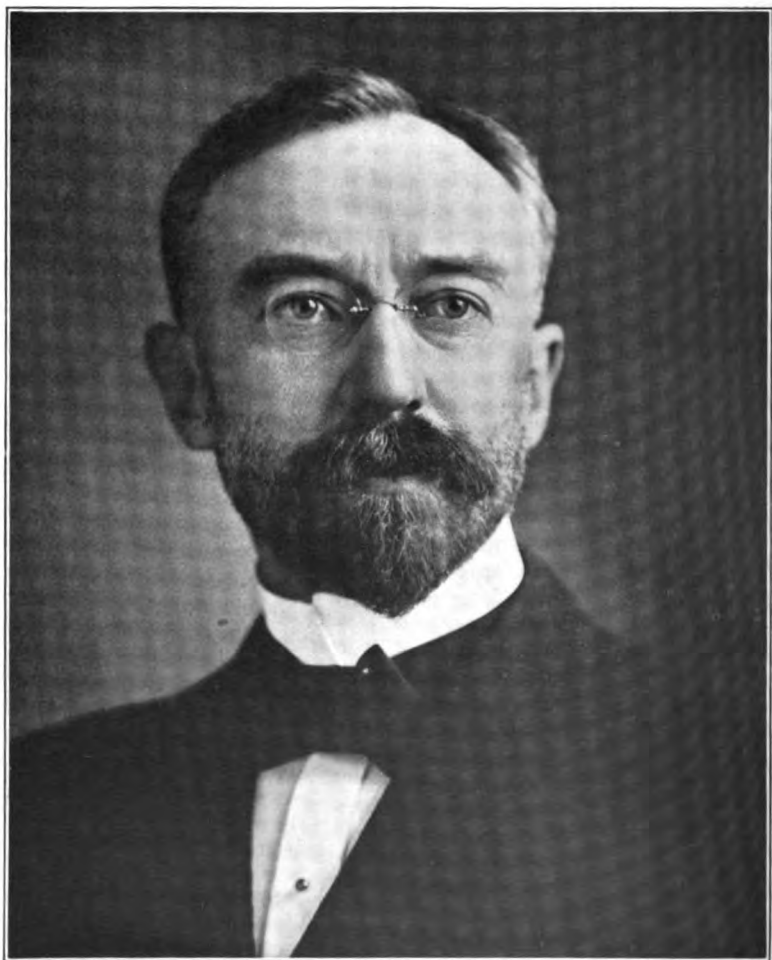
will ultimately establish an American citizenship that will come into its own with clean, decent homes, schools so equipped that they will fit boys and girls for lives of happiness and usefulness, well regulated and supervised amusements and recreations that will give joy and strength to every child, and will give us laws that properly regulate child labor—thus promoting ideal manhood, womanhood, parenthood, ideal homes, the bulwark of our nation.

Let this Association appoint an active, permanent committee on Child Welfare Laws, one of whose duties it shall be to encourage and insist on the appointment of a like committee in every county and city Bar Association of our State and in the National Bar Association, and I believe that no body of men, backed by the organization these committees would represent, could do greater and more effective work for humanity in a few years than could these Bar Associations.

I can assure you that you would find no difficulty in securing the co-operation, not only of women lawyers, but of every woman's club in the country, in arousing this public sentiment to obtain and enforce the laws that would bring about these conditions.

The discussion of and action upon any commercial, industrial or other legal question by this Association, however large the interests or the amount involved, could not reflect the credit and honor upon it than would an able handling of the subject suggested.





**CLARENCE TRUE WILSON**

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## OREGON'S EXPERIMENTS IN SELF GOVERNMENT.

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BY CLARENCE TRUE WILSON. NATIONAL SECRETARY OF THE  
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Some months ago I sat in a body of ministers and listened attentively and respectfully while a distinguished lawyer discoursed to us on "The Pulpit as Seen By the Pew." Whether it is a providence or just an accident which now enables me to come back, while you lawyers have to listen to a minister treat of a mode of law-making, adopted by one of your sister states, we shall know better a half hour from now.

The State of Oregon was founded by missionaries. It has more colleges in proportion to its population than any other state. It is a land of churches, schools and homes. I believe it is building up the purest civilization, with the highest moral standards and the freest popular government of any state in the American Union. I am proud to be a humble citizen of Oregon.

### FOUNDATION OF GOVERNMENT.

The supremacy of the people is the foundation of this government. This principle is engraved on all our hearts by the pen of Jefferson, the tongue of Henry and the sword of Washington. No, it was inscribed in the soul of man by a greater artist, God Almighty, when He said: "Let us make man in our own image; and let him have dominion."

When the Creator therefore endowed man with the tremendous prerogative of freedom, He meant that he should govern himself. And the greatest battle waged since then has been the ceaseless struggle between the utterly antagonistic forces of those who would rule men and those who have contended for the right of man to rule himself. First the cause was defeated by a petty tyrant assuming to himself the role of dictator and lording it over God's sons

and daughters, with the motto, "Might makes right." Then the God-like spirit again asserted itself and rebellion threw off the yoke, and human freedom got another chance.

A later state was reached when the race adopted hereditary monarchs. This passed by merit in selecting rulers and hinged it all on birthright and ignored the real sovereign, in coronating some degenerate who represented the rotten remnant of a long line of petted and pampered aristocracy. With the fiction of the divine right of kings they held the people down from their inalienable rights and quoted, "The king's mind is the only law."

But our fathers, studying their Bibles and appealing to the common instincts of human nature, turned away from all these subterfuges and determined to found a nation on the fitness of mankind for self-government. They interpreted this principle in these words:

"All men are created equal. They are endowed by their Creator with certain inalienable rights. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, it is the right of the people to abolish it."

They instituted this new one in such form as to them seemed most likely to effect their safety and happiness. Listen to them again: "Appealing to the Supreme Judge of the world for the rectitude of our intentions, we do in the name and by the authority of the good people of these Colonies solemnly publish and declare that these United States are and of right ought to be free and independent states." When a constitution was to be formed, who did it? "We, the people of the United States, in order to secure the blessings of liberty to ourselves and our posterity, do ordain and establish."

From then till now no executive officer from president down has had a right to move a foot beyond the limit the people set for him. No judicial officer from the supreme judge down to justice of the peace has any more honor or authority than the people confer. No legislator from United States senator down ever cast a vote as

a representative of the people, who elected him to act for them, that did not voice their sentiment as nearly as he could find it out, without betraying a sacred trust, misrepresenting his supreme sovereign, the people, and turning Judas Iscariot to the foundation of his government, namely the supreme right of the people to rule. This is the principle before which God and man must bow.

The Almighty Creator has always respected this right in his creatures, never compelling submission, but appealing to judgment and conscience. And when ancient Israel rebelled against his plans and asked for a king, He warned them against this course, saying it would mean their undoing: "He will take your sons to run before his chariots and your daughters for confectioners and bakers," yet He yielded to the sovereign right of a people he had created free and equal, knowing it was better for them to err as freemen governing themselves than to be correctly ruled as slaves. Whenever the dominant issue is the rights of the people, they can make no mistake if they have their own way. Whenever the issue is squarely joined and the people express themselves, and their expressed wishes are known, then to every worthy representative, *Vox Populi, Vox Dei*, the voice of the people is the voice of God. Or else our fathers were fools and left us a fake government on our hands.

The same old struggle that began in the dark vortex of history is on in Oregon.

In our republic it is not the petty tyrant or the hereditary sovereign, but the dirty politician who tries to thwart the people's will. And the upward Trend in America is the downing of the political boss and the uprising of the people's rights. Our patriotic fathers adopted the right principle and wrote it into their constitutions. But it was new to them; and when they came to apply it, they hedged a little. They said the people can be trusted to elect all but the presidents and United States Senators. They are so important that the people might make a mistake. We will let them elect electors, who, acting for them, shall select a fit man for president. So we have inherited our cumbrous system of presidential elections from the fearful timidity of our forefathers.



**ELECTIVE POWER.**

The constitution said we will have the people elect the lower house, but the senators shall be selected in the state legislatures. So we have the spectacle of rich old imbeciles buying their way into the senate to spend their senility in weakly selling out the people's rights to the corporations that have made them, and in Oregon the sacred office that was to be held back from the people's touch, put up and sold to the highest bidder until it looked some years ago as if would not have a single representative in Washington unselected men who neither morally, socially nor politically reprovicted of crime. And the politicians through all these years have sent the best thoughts or morals of our people.

It is interesting that the only two big blunders made by the founders of our nation were the two that were to limit the people's right of self-government. The first one has been corrected by common consent through custom, namely, by the practical instruction of the presidential electors, as for whom they are expected to vote, and they would not dare ignore that instruction and ever come home again.

**OREGON TO LEAD.**

And now Oregon proposes to lead the states in taking the election of senators out of the filthy political rings that have too long controlled, and let the sovereign people say who shall represent them in the highest branch of government. The people of Oregon have put their hand to this task, and will never let go. They have voted upon about sixty-four bills through the initiative and referendum and they have neither erred or blundered yet. They have thrice made choice of their own men for senator, and they will not allow the polluted hands of any political machinist to touch their Ark of the Covenant, the integrity of popular government. In an open fight in a free field they turned down Fulton because they preferred Cake. In the election they defeated Cake because they preferred Chamberlain. And party or no party, politician or no politician, the people proposed to have the people's choice, and to deal with the men who dared to sell them out or betray their trusts.

Let me recall some matters of history. In 1824 there were

four presidential candidates, William H. Crawford, Andrew Jackson, Henry Clay and John Quincy Adams. Jackson received the vast majority of the popular vote and a majority of the electoral vote, but not having a constitutional majority over all the candidates, there was no election and the selection was thrown into congress. Clay, who had received the smallest number of votes, withdrew and threw his influence for Adams, and the Crawford following went to Adams, and in this unclean combine the people's choice was defeated. Adams made Clay his secretary of state as a reward. But the people repudiated the whole thing, defeated nearly every representative who betrayed them and in four years triumphantly elected Andrew Jackson as the people's man by a majority larger than any other candidate has since had, save Lincoln on his second term.

Jackson's slogan was, "Shall the people rule?" The house of representatives had made bold to trample the will of the people under foot. They had a constitutional right to do it, but no moral right. And I protest that our legislature has no moral right to elect any other than the people's choice for our senator. And if ever there is a man in our legislature who tries to use his vote in the old way for party purpose or for a machine candidate, we will say to him: "Stop, sir, that vote in your hand is not yours to give. It belongs to the people of this state, and they told you for whom they wish it cast. We protest against your intention and deny your moral right to bestow it against their will."

Another lesson from History. In the campaign of 1876, James Russell Lowell was elected presidential elector from Massachusetts. He was a Republican and was for Hayes. But before the meeting of the electoral college Lowell became convinced that Tilden was elected by the people, and contemplated casting his electoral vote for him. But finally decided that it was not his to cast, but right or wrong, it belonged to the people who elected him; and therefore he must cast it as they expected him to and as their votes instructed him.

#### THE CHIVALRY OF OREGON.

Oregon has elected three United States Senators by popular vote. A democrat was elected senator in Oregon by a republican

legislature. Fifty-one out of ninety members of the Oregon legislature had subscribed to what is known as the "Statement No. 1" pledge, in which a member of the legislature pledges himself to the people to always vote for that candidate for United States Senator who has received the largest number of votes for that office at the general election. In pursuance of such pledge the legislature elected a democrat who had received the largest number of popular votes. This has been criticised, but more generally commended, for the people cannot be said to rule unless they can select from either party the men of their choice.

Hereby hangs a tale. In 1906 the people by direct vote in the primaries selected two men as their choice for United States Senators, Mr. Mulkey to fill out a short term and Johnathan Bourne, Jr., for the full term, both republicans. In view of the fact that the people had chosen these gentlemen instead of their democratic rivals, the governor, a democrat, recommended that the vote be unanimous in both house and senate. And it was almost unanimous, and every democrat voted for these republicans, because the people had spoken their mind and the legislature was there to represent them.

Two years later the people made choice of a democrat, George E. Chamberlain, who has thrice been elected governor and who had been the best governor we had had. It should be remembered that the people not only voted for Chamberlain—they elected Statement No. 1 men, because of their pledge, and they went far beyond that. They passed an act by a vote of three to one majority, instructing their representatives to vote for the people's choice, whether they had taken the pledge or not. Then followed one of the shewdest plays ever made to get honorable men to betray their trust. The old line politicians proposed to get up a petition to be signed by republican voters offering to exempt these elected representatives of the people from fulfilling their promise in view of the fact that the unexpected had happened and the people had chosen a democrat.

At that time I was pastor of a prominent Methodist Church in Portland, and I announced that my Sunday night topic would be:

**"THAT PETITION FOR PERJURY."**

The announcement of this topic drew a large number who wished to hear the discussion of the moral bearing of the attempted repudiation of the pledge of Statement No. 1, after the indorsement of the people. As bearing on our fight for the people's right to rule in Oregon, I quote from this address which was published in seventy papers, and in pamphlet form mailed to every member elect of the Oregon legislature: and did its share in the making of history for Popular Rights.

**"A VOICE FROM THE PULPIT."**

"Whenever an American citizen voluntarily goes before his fellow citizens and asks for their suffrage on a conditional promise that if elected he will do certain things, that promise is as sacred and important as a compulsory oath administered in a court. To betray the trust imposed in one who is thus elected is perjury of the blackest type; it is securing votes (more sacred than money) under false pretenses; it is treason to the very heart of our form of government.

"Of course I do not imply that one man who took Statement No. 1 is weakening or his vote in doubt. I am sure every man will make good. But I blush for our state that one prominent politician could be found who would dare advise any one taking such a pledge to fall down after gaining his election thereby.

"When Congressman Hawley returned to Oregon from Washington this summer he was asked what he thought of the senatorial prospects. He showed his high moral character as well as political insight in the answer he gave: "Why, I have nothing to say about that. I thought that was the matter the people settled at the June election."

"There is not a man in America who embodies more of present-day Americanism, public spirit or patriotism than Theodore Roosevelt. At a congress of national and state commissions on the conservation of national resources held in Washington, D. C., on Tuesday, December 8th, there were three speakers—the President, Governor Chamberlain of Oregon, and the President-elect, William H. Taft. When the three met, Mr. Roosevelt addressed Mr. Chamberlain, in the presence of several senators, in these words: 'I am glad

to see you, Governor Chamberlain, and senator to be. I would have preferred to have a Republican come from Oregon. But I stand for the right of the people to rule, and therefore I want you to be elected senator.' How differently that sounds from the small politician who is now trying to scheme out some plot to defeat the people's will!

"Every man in the Oregon legislature had better stand with the people. It is safe to go up or down with the people in this country. They will be here doing business at the old stand when the corruptionists who seek to entice them to betray their trusts, only to forsake them in their weakness and folly and shame, are all forgotten.

"I would pity the poor weakling who would sell himself to go back on his constituents. He is a mere shadow too frail to bear the strain of carrying through a sacred trust, incapable of being true under temptation. But those who resort to political combinations and circulate petitions and sign them calculated to make the people's representatives betray them, to procure perjury from them by making it easy for them to violate their pre-election promises, to entice them at this late day after being elected on Statement No. 1, to put this short-sighted interest of their party ahead of their word of honor and the rights of the people, these are the corrupters of mankind. Against them the pulpits should thunder, the press should sound the alarm and every true-hearted man should denounce this open effort to prostitute free government to treason and to dirty politics.

#### NO APOLOGY.

"I make no apology for touching this subject in the pulpit, for the morality of the whole state is involved in the open attempt to induce honorable men to violate solemn pledges openly made to us as voters. And as one of those who was induced to vote for the Statement No. 1 men because of the principle for which they stood, I maintain that all the people of Oregon cannot release them from their pledge to me or to any other voter. It is a personal agreement with each individual voter; and there is but one way to get

discharged from the solemnity of that pledge, and that is to do what was agreed.

"And I think I know as much about common morality as a friend of mine learned in California. He inquired of an old German, 'Where is the line of demarcation between an occasional falsifier and a perpetual liar?' The German replied, 'Ven a man can't never tell the truth about nothings, he ist the worst ever, ain't it?'"

"All I claim is that legislators elected on one specific promise should make good on that. We can have no other opinion of the morality of the repudiation of a solemn pledge upon the basis of which a majority of our state legislature was elected."

"I know the voice we hear pleading for strict party vote is the voice of Jacob; but the hands are the hands of Esau."

I was in the capitol in Salem when the roll was called and every man in both houses who had taken the Statement No. 1 pledge stood up and voted for the people's choice, regardless of party politics. And it is a great tribute we pay to the average morality and loyalty of Oregon men when we state this fact. For loyalty to principle is higher than loyalty to party. The first is founded upon the eternal verities of nature and of nature's God; the second upon the shifting sands of political policies. Far above any flickering light or battle lantern of party is the Everlasting Sun of Righteousness in whose beauties are the duties of men.

#### OREGON'S MAGNA CHARTA.

United States Senator Jonathan Bourne, Jr., of Oregon, contends that our state has evolved the best system of popular government known. Certain it is that it is attracting wide attention, and other states are seeking to embody its particular features entire in their administration. As Senator Bourne summarized them recently in a remarkable speech before the Senate in Washington, the outstanding characteristics were:

"The Australian ballot, which assures the honesty of elections.

"The registration law, which guards the integrity of the privilege of American citizenship—participation in government.

"The direct primary, which absolutely insures popular selection of all candidates, and establishes the responsibility of the public

servant to the electorate, and not to any political boss or special interest.

"The initiative and referendum is the keystone of the arch of popular government, for by means of this the people may accomplish such other reforms as they desire. The initiative develops the electorate because it encourages study of principles and policies of government, and affords the originator of new ideas in government an opportunity to secure popular judgment upon his measures. The referendum prevents misuse of the power temporarily centralized in the legislature.

The corrupt practices act is a necessary feature of popular government in order to regulate campaign expenditures and prevent abuse of the initiative and referendum and the direct primary. An important feature of the Oregon system is the publicity pamphlet published by the secretary of state and mailed to the voters at least eight days before each election. Each candidate in the primary campaign may have published in this pamphlet a statement in support of candidacy. Each candidate must pay for at least one page in the pamphlet, the amount varying from \$100 for the highest office to \$10 for minor offices. Each candidate may secure not more than three additional pages at \$100 per page. In the general campaign each party may use not to exceed twenty-four pages in the publicity pamphlet at \$50 per page, making approximately \$100 for each candidate. A candidate shall not expend in his primary campaign more than 15 per cent, nor in his general campaign more than 10 per cent of one year's salary in excess of what he pays for space in the publicity pamphlet. A candidate for governor in Oregon can reach all registered voters in two campaigns at a total cost of \$500.

The recall is rather an admonitory or precautionary measure, the existence of which will prevent the necessity for its use. But it is an essential feature of a complete system of popular government, for it puts the fear of God upon those natural reprobates who are no sooner in office than they adopt the creed of a certain Tammany leader, "The people be damned."

"Plainly stated, the aim and purpose of the laws is to destroy

the irresponsible political machine, and to put all elective offices in the state in direct touch with the people as the real source of authority; in short, to give direct and full force to the ballot of every individual elector, and to eliminate dominance of corporate and corrupt influences in the administration of public affairs. The Oregon laws mark the course that must be pursued before the wrongful use of corporate power can be dethroned, the people restored to power, and lasting reform secured. They insure absolute government by the people."

#### OREGON REFUTES ARGUMENT AGAINST DIRECT LEGISLATION.

Once the opponents of the initiative and referendum, under which method of legislation the voters may enact or veto laws, contended that such a plan would surely fail because the average citizen could not discriminate between what was chimerical and what was really valuable. After the initiative and referendum had proved successful in hundreds of cities its opponents said: "It may be all right for municipalities, but for a state to try it would mean certain disaster."

Despite predictions of a flood of "fool laws," Oregon made the experiment of giving her people direct power to legislate. For several years that state has had the initiative and referendum, and whether those laws have been a benefit or an injury can be fairly judged by what happened at Oregon's last election. Thirty-two measures were submitted to the people. Nine were carried and twenty-three were defeated. Among the measures approved were a constitutional amendment prohibiting a poll tax and empowering the people of each county to regulate taxation, an up-to-date employers' liability law, an amendment giving cities and towns exclusive control of the liquor traffic subject to the state local option law, an amendment permitting voters to express their choice for President of the United States prior to the holding of the national conventions of the various political parties, an amendment making a three-fourths vote of a jury in civil cases sufficient for a verdict, and another prohibiting the supreme court to reverse a decision of a lower court or remand for new trial unless in the opinion of two-thirds of the judges the error was sufficient to have totally changed



the verdict of the jury. The defeated measures included a call for a constitutional convention, a law providing for an official state newspaper and a law granting political parties legislative representation in proportion to the vote cast by each party at the last general election, woman's suffrage and state wide prohibition.

Surely such a result does not show a lack of discrimination. The voters of Oregon gave the various measures careful thought, and no one who believes in the rule of the majority, which is the essence of democracy, can reasonably find fault with their verdict.

As a matter of fact, the American people are well qualified to legislate for themselves. They have proved it often in Oregon, and they proved it in San Francisco when, in passing upon thirty-eight charter amendments the electorate exercised a discrimination that would have been a credit to any legislative body that ever assembled in that state. The initiative and referendum is no longer an experiment, and our state is to be congratulated that it has given its voters the Power to make and unmake laws.

Those reforms that are essential to adapt a government to modern civilization would be quickly adopted by the people and our laws would conform to present needs as the bark of a growing tree expands with the swelling trunk. Any reform which brings the government nearer the heart of the people and the convictions of the people to bear directly upon legislation and law enforcement is good American doctrine.

"The Commission Plan."

#### "THE COMMISSION PLAN."

The general tendency of the American public has of late years been to depart from the policy of representation and to take into its own hands all the powers of every branch of government. Our cities are fast adopting the "Commission" or "Galveston" plan of government, by which the municipal rule is taken from aldermen and bestowed upon a small commission, directly responsible to the people and subject to recall whenever the delegated trust is abused. That this tendency is gradually encroaching upon the wider real of state control is evidenced by the fact that some form of initia-

tive and referendum and recall has been adopted by at least eleven states, viz.: Arkansas, Colorado, Illinois, Maine, Missouri, Montana, Oklahoma, Oregon, South Dakota, Utah and (referendum only) in Nevada. In addition to these, twelve states will vote on this question at an early date or have it prominently before them as an issue. One inherent and peculiar merit of the doctrine is that if the policy is adopted and proves unsuccessful, the initiative, referendum and recall can be repealed under its own provisions, thus providing an easy and certain remedy by which the entire law or any of its provisions can be modified or eliminated altogether.

#### **"THE RECALL REFERENDUM."**

Briefly, the plan provides that the people, by petition of a fixed percentage of the voters (8 per cent in Oregon), can cause to be submitted to popular vote any measure desired by them, while upon petition any act of the legislature can likewise be referred to the people for its ratification or rejection. The recall provides a means by which an official who has been unfaithful, incompetent or negligent can be set aside and another man substituted in office.

The far-reaching possibilities of such legislation upon moral reforms can be seen at a glance. In many of our states the people desire and have petitioned for the opportunity to vote upon the question of license or prohibition. But it has been an easy matter for the brewing and distilling interests to corrupt or intimidate the chosen representatives of the people to refuse the people this right.

#### **WHAT THE GRAFTERS FEAR.**

Under the initiative and referendum such a state of things could not exist, as we could at any time demand, through petition, a right to vote on this question, while any half way compromise or wicked legislation upon the subject could be rejected by means of a referendum petition and vote. As a concrete instance, the constitutional convention of Arizona recently refused either to incorporate in the constitution a prohibition section or to allow the people to vote on such a measure. But it is certain that under the initiative which has been adopted in the constitution of Arizona, this question will shortly be voted upon in spite of the intimidated

representatives who misrepresented the will of their constituency.

No less a gain would result from the universal recall provision. At present a candidate for the legislature can promise faithful support to good moral issues, and immediately upon election can throw his promises to the wind and his vote to the devil, and the deceived voter has no redress. If the recall were in operation, such a legislator could at once be recalled to private life and his power for evil removed. Under this system men will no longer misrepresent their constituents, selling their interests to the highest bidder during a full term of office, and then have themselves succeeded by another shyster politician to betray the people who sent him to the capitol in hope of something better.

The present representative system is weak in both theory and practice. It interposes an easily corrupted legislature between the people and their law and likewise places a political party, no less easily corrupted, and made up in its managing members of those who depend upon their party connections for daily bread, and consequently hold their honor and their loyalty to the people cheaper than the price daily offered by the monopolist and the saloonist. The good citizen on the contrary can exercise little influence in politics or government, his activities being engrossed in the business which makes his living.

The initiative and referendum bring to bear directly upon the machinery of government the intelligence and honesty of the average voter. The collective citizen holds no caucus, feels the lash of no party whip, fears no monopoly. He is free to vote his convictions without fear or favor, and is less influenced by party prejudice than ever before. The recall puts us in close touch with our public servants; they are within commanding distance and subject to discharge for disobedience. If you are going to direct the job, you want to be able to reach your employee.

#### PEOPLE'S MEASURES DRAWN WITH CARE.

Laws proposed under the initiative are not subject to amendment and therefore must be carefully drawn to stand the scrutiny of the entire state for a four months' campaign. If errors or jokers

are discovered they are invariably voted down. Legislative blackmail and grants of special privilege are made impossible by the referendum. People act with care and caution and with that spirit of fairness that characterizes the man who earns his living and acquires his property by legitimate means.

As a citizen of Oregon I look back over these eight years of the common people's supremacy. They have elected three United States Senators, first weeding out the unfit and unworthy in the primary elections and then electing from the selected nominees their choice. They have nominated and elected hundreds for state county or municipal offices, and our state was never better represented in the personnel of its public men than today. They have passed upon sixty-four state measures, and numerous county and city matters; and if they have erred, blundered or failed to discriminate, I am unable to cite the instance. Of course they have differed from me sometimes! But they knew what they wanted and why.

I recall one instance of surprise. It was in 1908. The lower river men had gotten up a bill to restrict the fishermen on the Upper Columbia. The Upper Columbia men retaliated by preparing a complicated bill designed to prohibit fishing at the mouth of the river. I had studied all the measures carefully but this. Standing in the voting booth, this meditation came: "I don't understand the relative merits of these two bills; each crowd is trying to restrict the other. They seem to agree on the principle of restriction. I will vote for both bills." Imagine my surprise when I found that 50,000 other voters were as sharp as I was and had overwhelmingly carried both bills and gave the fish a rest.

This past election many people thought they could use the state initiative to get through county divisions. Nine such bills were presented. The people resented this dragging local matters into a state contest and voted every one down by a vote of from ten to twenty to one. The conservatism of the electorate is proven by the fact that of the thirty-two measures presented on the ballot in 1910 just nine were adopted. While the general interest of the people in the measures is shown by the fact that an average of

75 per cent of the qualified voters acted on them. There has never been general dissatisfaction at the result of a vote. The plan has been found inexpensive, the submission of the first thirty-two measures at three different elections costing the state only \$25,000.

The people enjoy the direct exercise of their sovereignty. They have power; they can get things done; effort is worth while. The system is a great educator and infuses the average citizen with courage and interest in human affairs. The average farmer or fisherman out there can discuss politics and law with you and keep you busy. Then we get honest legislation. As the Portland Journal puts it: "There is no infidelity in the collective citizen body. Its judgments are sound and its collective honesty complete. It has sober sense, rational mental processes, and its purposes are exalted. The whole trend of legislation by the electorate is social and economic betterment. If the people are given the means of control, in lieu of proxy government, the state will be purified. More good laws have been passed in Oregon under eight years of direct legislation than were passed in the fifty years preceding."

The legislature rejected a corporation franchise tax law, and the people at once passed it by the referendum. The legislature rejected a direct primary law, but the people at once adopted it by a vote of more than three and a half to one. The legislature rejected a corrupt practices act, but the people adopted it by a heavy majority. I remember when the Home Telephone system wanted to come into Portland, and because of the poor service and insolence of the old monopoly, the folks desired it. But this corporation made its signs to the city council, and a charter for the new company was refused. By the following election the people had the initiative, and they gave a charter to the new company by a vote of sixteen to one: which proportion may recall sacred memories to some of you! The knowledge that the electorate can take a given matter into its hands, if the legislature is recreant, has proven the best corrective of the abuses that have sprung up in representative government.

Amid the complexities of modern civilization the people have no time for that eternal vigilance which is the price of liberty under

the old system, where you must go to caucus and watch the game with sleepless vigilance, and then be thwarted by the men who have nothing else to do but scheme out dirty political tricks. Give us a government where the average man can exert a direct control on nominations in the primaries, and upon laws in the making, and then the people can govern. Let us not stay or hinder the people on their way to their throne of power, but aid to our utmost that evolution in our government which links every department, legislative, judicial and executive, indissolubly with the power that is responsible for them all, the people themselves. In the complicated needs and perplexities of our time every state in our Union ought to have those Oregon Reforms, that government of the people, by the people, and for the people, may not perish from the earth.

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John P. Wilson, Chicago.  
Albert D. Early, Rockford.

**TOPICAL INDEX TO AMERICAN BAR ASSOCIATION CANONS OF PROFESSIONAL ETHICS.**

Prepared by Nathan William MacChesney, Esq., of the Chicago Bar.

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**(b) His duty to society.**

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**CANONS OF PROFESSIONAL ETHICS**

ADOPTED BY THE

ILLINOIS STATE BAR ASSOCIATION

JUNE 24, 1910.

"There is certainly, without any exception, no profession in which so many temptations beset the path to swerve from the line of strict integrity, in which so many delicate and difficult questions of duty are continually arising. There are pitfalls and mantraps at every step, and the mere youth, at the very outset of his career, needs often the prudence and self-denial as well as the moral courage, which belong commonly to ripper years. High moral principle is the only safe guide, the only torch to light his way amidst darkness and obstruction."—*George Sharswood.*

"Craft is the vice, not the spirit, of the profession. Trick is professional prostitution. Falsehood is professional apostasy. The strength of a lawyer is in thorough knowledge of legal truth, in thorough devotion to legal right. Truth and integrity can do more in the profession than the subtlest and wildest devices. The power of integrity is the rule; the power of fraud is the exception. Emulation and zeal lead lawyers astray; but the general law of the profession is duty, not success. In it, as elsewhere, in human life, the judgment of

success is but the verdict of little minds. Professional duty, faithfully and well performed, is the lawyer's glory. This is equally true of the Bench and of the Bar."—*Edward G. Ryan.*

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereupon to stir up strife and put money in his pocket? A moral tone ought to be enforced in the profession which would drive such men out of it."—*Abraham Lincoln.*

[NOTE—The following Canons of Professional Ethics were adopted by the American Bar Association at its thirty-first annual meeting at Seattle, Washington, on August 27, 1908.

The Canons were prepared by a committee composed of

Henry St. George Tucker, Virginia, Chairman.

Lucien Hugh Alexander, Pennsylvania, Secretary.

David J. Brewer, District of Columbia.

Frederick V. Brown, Minnesota.

J. M. Dickinson, Illinois.

Franklin Ferris, Missouri.

William Wirt Howe, Louisiana.

Thomas H. Hubbard, New York.

James G. Jenkins, Wisconsin.

Thomas Goode Jones, Alabama.

Alton B. Parker, New York.

George R. Peck, Illinois.

Francis Lynde Stetson, New York.

Ezra R. Thayer, Massachusetts.]

## I

### PREAMBLE

In America, where the stability of Courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing Justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of Justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men.

## II

## THE CANONS OF ETHICS

No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following canons of ethics are adopted by the American Bar Association as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned:

1. *The Duty of the Lawyer to the Courts.* It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

2. *The Selection of Judges.* It is the duty of the Bar to endeavor to prevent political considerations from outweighing judicial fitness in the selection of Judges. It should protest earnestly and actively against the appointment or election of those who are unsuitable for the Bench; and it should strive to have elevated thereto only those willing to forego other employments, whether of a business, political or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves.

3. *Attempts to Exert Personal Influence on the Court.* Marked attention and unusual hospitality on the part of a lawyer to a Judge, uncalled for by the personal relations of the parties, subject both the Judge and the lawyer to misconstructions of motive and should be avoided. A lawyer should not communicate or argue privately with the Judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a Judge special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due the Judge's station, is the only

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\* For Index and Synopsis of Canons, see p. 15, *infra*.

proper foundation for cordial personal and official relations between Bench and Bar.

4. *When Counsel for an Indigent Prisoner.* A lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best efforts in his behalf.

5. *The Defense or Prosecution of Those Accused of Crime.* It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible.

6. *Adverse Influences and Conflicting Interests.* It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interest when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

7. *Professional Colleagues and Conflicts of Opinion.* A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should

be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another lawyer, are unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made.

8. *Advising Upon the Merits of a Client's Cause.* A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. The miscarriages to which justice is subject, by reason of surprises and disappointments in evidence and witnesses, and through mistakes of juries and errors of Courts, even, though only occasional, admonish lawyers to beware of bold and confident assurances to clients, especially where the employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

9. *Negotiations With Opposite Party.* A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

10. *Acquiring Interest in Litigation.* The lawyer should not purchase any interest in the subject matter of the litigation which he is conducting.

11. *Dealing With Trust Property.* Money of the client or other trust property coming into the possession of the lawyer should be reported promptly, and except with the client's knowledge and consent should not be commingled with his private property or be used by him.

12. *Fixing the Amount of the Fee.* In fixing fees, lawyers should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge, or even none at all. The reason-

able requests of brother lawyers, and of their widows and orphans without ample means, should receive special and kindly consideration.

In determining the amount of the fee, it is proper to consider: (1) the time and labor required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the cause; (2) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of other business while employed in the particular case or antagonisms with other clients; (3) the customary charges of the Bar for similar services; (4) the amount involved in the controversy and the benefits resulting to the client from the services; (5) the contingency or the certainty of the compensation; and (6) the character of the employment, whether casual or for an established and constant client. No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money-getting trade.

13. *Contingent Fees.* Contingent fees, where sanctioned by law, should be under the supervision of the Court, in order that clients may be protected from unjust charges.

14. *Suing a Client for a Fee.* Controversies with clients concerning compensation are to be avoided by the lawyer so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services; and lawsuits with clients should be resorted to only to prevent injustice, imposition or fraud.

15. *How Far a Lawyer May Go in Supporting a Client's Cause.* Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause.

The lawyer owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally



applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

16. *Restraining Clients from Improprieties.* A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrong-doing the lawyer should terminate their relation.

17. *Ill Feeling and Personalities between Advocates.* Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history of the personal peculiarities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

18. *Treatment of Witnesses and Litigants.* A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

19. *Appearance of Lawyer as Witness for His Client.* When a lawyer is a witness for his client, except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in Court in behalf of his client.

20. *Newspaper Discussion of Pending Litigation.* Newspaper

publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond quotation from the records and papers on file in the Court; but even in extreme cases it is better to avoid any *ex parte* statement.

21. *Punctuality and Expedition.* It is the duty of the lawyer not only to his client, but also to the Courts and to the public to be punctual in attendance and to be concise and direct in the trial and disposition of causes.

22. *Candor and Fairness.* The conduct of the lawyer before the Court and with other lawyers should be characterized by candor and fairness.

It is not candid or fair for the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel, or the language of a decision or a text-book; or with knowledge of its invalidity, to cite as authority a decision that has been overruled, or a statute that has been repealed; or in argument to assert as a fact that which has not been proved, or in those jurisdictions where a side has the opening and closing arguments to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is unprofessional and dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A lawyer should not offer evidence, which he knows the Court should reject, in order to get the same before the jury by argument for its admissibility, nor should he address to the Judge arguments upon any point not properly calling for determination by him. Neither should he introduce into an argument, addressed to the Court, remarks or statements intended to influence the jury or bystanders.

These and all kindred practices are unprofessional and unworthy of an officer of the law charged, as is the lawyer, with the duty of aiding in the administration of justice.

23. *Attitude Toward Jury.* All attempts to curry favor with juries by fawning, flattery or pretended solicitude for their personal comfort are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors, and propositions to dispense with argument, should be made to the Court out of the jury's hearing. A lawyer must never converse privately with jurors about the case;

and both before and during the trial he should avoid communicating with them, even as to matters foreign to the cause.

24. *Right of Lawyer to Control the Incidents of the Trial.* As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety.

25. *Taking Technical Advantage of Opposite Counsel; Agreements With Him.* A lawyer should not ignore known customs or practice of the Bar or of a particular Court, even when the law permits, without giving timely notice to the opposing counsel. As far as possible, important agreements, affecting the rights of clients, should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing, as required by rules of Court.

26. *Professional Advocacy Other Than Before Courts.* A lawyer openly, and in his true character may render professional services before legislative or other bodies, regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of ethics which justify his appearance before the Courts; but it is unprofessional for a lawyer so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding to influence action.

27. *Advertising, Direct or Indirect.* The most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not *per se* improper. But solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional. It is equally unprofessional to procure business by indirection through touters of any kind, whether allied real estate firms or trust companies advertising

to secure the drawing of deeds or wills or offering retainers in exchange for executorship or trusteeships to be influenced by the lawyer. Indirect advertisement for business by furnishing or inspiring newspaper comments concerning causes in which the lawyer has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the lawyer's positions, and all other like self-laudation, defy the traditions and lower the tone of our high calling, and are intolerable.

28. *Stirring up Litigation, Directly or Through Agents.* It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such physicians, hospital *attaches* or others who may succeed, under the guise of giving disinterested friendly advice, in influencing the criminal, the sick and the injured, the ignorant or others, to seek his professional services. A duty to the public and to the profession devolves upon every member of the Bar, having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred.

29. *Upholding the Honor of the Profession.* Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. He should strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice.

30. *Justifiable and Unjustifiable Litigations.* The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and,

having accepted retainer, it becomes his duty to insist upon the judgment of the Court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination.

31. *Responsibility for Litigation.* No lawyer is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline employment. Every lawyer upon his own responsibility must decide what business he will accept as counsel, what causes he will bring into Court for plaintiffs, what cases he will contest in Court for defendants. The responsibility for advising questionable transactions, for bringing questionable suits, for urging questionable defenses, is the lawyer's responsibility. He cannot escape it by urging as an excuse that he is only following his client's instructions.

32. *The Lawyer's Duty in Its Last Analysis.* No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interest of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

### III

#### OATH OF ADMISSION.

The general principles which should ever control the lawyer in the practice of his profession are clearly set forth in the following Oath of Admission to the Bar, formulated upon that in use in the State of Washington, and which conforms in its main outlines to the "duties" of lawyers as defined by statutory enactments in that and many other States of the Union\*—duties which they are sworn on

admission to obey and for the wilful violation of which disbarment is provided:

**I DO SOLEMNLY SWEAR:**

*I will support the Constitution of the United States and the Constitution of the State of Illinois.*

*I will maintain the respect due to Courts of Justice and judicial officers;*

*I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land:*

*I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the Judge or jury by any artifice or false statement of fact or law;*

*I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;*

*I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;*

*I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. SO HELP ME GOD.*

We commend this form of oath for adoption in Illinois.

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THE ILLINOIS STATE BAR ASSOCIATION  
From 1877 to 1910.

COMPILED BY  
RALPH H. WILKIN,  
*Librarian Supreme Court.*

EXPLANATORY.

The proceedings of the Association are referred to by year and page, the year referring to the published volume of the proceedings for that year. A dash between the year and page number stands for the words "Proceedings of the Illinois State Bar Association." Two meetings of the Association were held during the year 1896, and the first is referred to as 1896, and the second as 1896, 7. During the years in which the volumes were divided into two parts part two is indicated thus: "Part II."

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